

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1994

**HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 11, 1994**



VOL. 1

**WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE**

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. Listing of legislative days, with calendar dates and pages on which each day begins;
3. Topic index of general bills listed alphabetically by subject matter;
4. Topic index of local bills listed alphabetically by counties;
5. Topic index of resolutions;
6. Miscellaneous index, including all items not categorized as bills or resolutions;
8. Sponsor index, listing all Senate bills and resolutions alphabetically by author;
9. Senate bill numerical index, with short titles;
10. House bill numerical index, with short titles;
11. Senate joint resolution, Senate resolution numerical index, with short titles;
12. House joint resolution numerical index, with short titles;
13. Act Index.

**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1994**

**FIRST LEGISLATIVE DAY
TUESDAY, JANUARY 11, 1994**

This being the second Tuesday in January, A.D., 1994, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by the Honorable Ryan deGraffenried, President Pro Tempore and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Charles Cochran, Thurgood C.M.E. Church, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Laura Wood, Tuscaloosa Middle School, Tuscaloosa, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -33

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Bedsole and Smith (B) for today.

COMMITTEE APPOINTMENT ANNOUNCED

The President Pro Tempore and Presiding Officer of the Senate announced that pursuant to Rule 49(19), Senator Underwood has been appointed to the following Standing Committee of the Senate, to-wit:

Constitution and Elections

RESOLUTIONS

Senator Foshee offered the following Senate Joint Resolution, to-wit:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Ghee, Floyd, and Bolling.

Senator Foshee then offered the following Senate Joint Resolution, to-wit:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That when the two houses recess Tuesday, January 11, 1994, in the Alabama State House that the two houses convene again at 6:15 P.M. on January 11, 1994, in the House of Representatives Chamber on the second floor of the Alabama State Capitol, 600 Dexter Avenue, in a joint session for the purpose of hearing the message of the Honorable Jim Folsom, Governor of Alabama, at 6:30 P.M.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the President Pro Tempore and Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House for the joint session.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Smith (J), Mitchem, and Underwood.

Senator Foshee then offered the following Senate Joint Resolution, to-wit:

SJR 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Regular Session in 1994, be bound separately from any other Special Session in 1994.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

**ELECTION OF A MEMBER TO LEGISLATIVE COMMITTEE
ON EXAMINERS OF PUBLIC ACCOUNTS**

The President Pro Tempore and Presiding Officer of the Senate announced that due to Senator Jim Bennett being appointed to the office of Secretary of State, there is a vacancy on the Legislative Committee on Examiners of Public Accounts.

Senator Hale nominated Senator Jack Floyd. On motion of Senator Hale, the nomination was closed.

On motion of Senator Hale, Senator Floyd was elected as a member of the Legislative Committee on Examiners of Public Accounts.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

RESOLUTIONS

Senator Lindsey offered the following Senate Joint Resolution, to-wit:

SJR 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby declares that all federal and state acts and judicial decisions pertaining to the Choctaw Indians within the boundaries of the State of Alabama are reaffirmed.

BE IT FURTHER RESOLVED, That we further declare that all state and county agencies shall be bound and subject to all federal and state acts and judicial decisions pertaining to Choctaw Indians residing within the State of Alabama.

On motion of Senator Lindsey, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Windom offered the following Senate Joint Resolution, to-wit:

SJR 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Dr. J. C. Ashbee of Mobile, Alabama, on his selection as "Optometrist of the Year" for 1993, by the Alabama Optometric Association; and

WHEREAS, Dr. Ashbee, a native and lifelong resident of Mobile, graduated from Murphy High School in 1943, and entered the United States Marine Cadet Corps, serving as a cadet midshipman on tankers in World War II; and

WHEREAS, he subsequently earned his B.S. degree from the United States Merchant Marine Academy in 1947, received a commission and a deck officer's license in the United States Naval Reserve, and sailed for 5 years with the Waterman Steamship Company; and

WHEREAS, in 1956 he earned a Doctor of Optometry degree from the University of Houston College of Optometry and entered the private practice of optometry; and

WHEREAS, in addition to his highly successful practice, Dr. Ashbee works with the Loop Lions Club, providing free examinations and spectacles for those less fortunate who are in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend and congratulate Dr. J. C. Ashbee of Mobile as 1993 "Optometrist of the Year," and direct that he receive a copy of this resolution as an expression of our sincere regard and esteem.

On motion of Senator Windom, the Rules were suspended and the Resolution was adopted by the Senate.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

January 6, 1994

JOURNAL OF THE SENATE, 1994
1st Day

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on December 3, 1993.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Term Expiration</u>
John Russell Thomas	Alexander City, AL	Third	1996

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed before me
on this 6th day of January, 1994.

Judy Atchison
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION

January 6, 1994

The Alabama State Senate
State House
Montgomery, AL 36130

**REGULAR SESSION
1st Day**

9

Ladies and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on December 3, 1993.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Term Expiration</u>
Cleophus Thomas, Jr.	Anniston, AL	Third	1999

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed before me
on this 6th day of January, 1994.

Judy Atchison
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

**COMMUNICATION FROM THE STATE
SUPERINTENDENT OF EDUCATION**

January 6, 1994

The Alabama State Senate
State House
Montgomery, AL 36130

Ladies and Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person

**JOURNAL OF THE SENATE, 1994
1st Day**

has been elected as a member of The University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on December 3, 1993.

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Term Expiration</u>
Martha Simms Rambo	Huntsville, AL	Fifth	1999

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent
of Education.

Sworn to and subscribed before me
on this 6th day of January, 1994.

Judy Atchison
Notary Public

COMMUNICATION RECEIVED

The foregoing Communication from the State Superintendent of Education, relative to an election to the University of Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Campbell:

HJR 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:15 P.M. on January 11, 1994, in the Hall of the House of Representatives at the State Capitol for the purpose of hearing the message of the Honorable James E. Folsom, Jr., Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour and place named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the joint session.

And the Speaker has appointed as a committee on the part of the House, Reps. Letson, Zoghby, and Perdue.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 3, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Mitchem, Underwood, and Smith (J).

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Campbell:

HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House, Reps. Letson, Zoghby, and Perdue.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President Pro Tempore and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Floyd, Bolling, and Ghee.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Freeman and Hall (A):

HJR 7. URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board follow the retirement procedures established by the City of Huntsville and allow their employees to take a 25 year retirement option.

BE IT FURTHER RESOLVED, That a copy of this resolution be

sent forthwith to the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board that they may know of our desires concerning this matter.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Rules were suspended and the Resolution, HJR 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senator Foshee offered the following Senate Joint Resolution, to-wit:

SJR 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

WHEREAS, Representative Frank P. "Skippy" White has served in the Alabama House of Representatives since 1981 and has served on the Joint Highway Committee for ten years, supporting legislation enhancing economic development in Alabama and highway improvement and safety, has provided support for revenue enhancement that brought four-lane highways along U.S. Highway 31 South, from Flomaton to Brewton, Alabama; and

WHEREAS, he has worked diligently to develop programs to eradicate old and unsafe bridges in his district, and the bridge or bridges over Little Escambia Creek along U.S. Highway 31 in need of replacement are the subject of special concern to him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon completion of the new bridge or bridges over that portion of U.S. Highway 31 over the Little Escambia Creek, Escambia County, Alabama, the bridge or bridges shall be named and designated the "Frank P. 'Skippy' White Bridge," or bridges as the case may be.

BE IT FURTHER RESOLVED, That the appropriate officials are authorized to erect and maintain appropriate signs and markers, so desig-

nating the bridge or bridges as the "Frank P. 'Skippy' White Bridge" in honor of our esteemed colleague.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon offered the following Senate Joint Resolution, to-wit:

SJR 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Head Coach Mike Price of Washington State University for outstanding contributions to the 1993 Blue-Gray All Star Football Classic in Montgomery, Alabama, December 25, 1993, sponsored by the Montgomery Lion's Club; and

WHEREAS, serving as offensive coach for the North squad, Coach Price, ably assisted by Coach Mike Zimmer, and accompanied by Washington State Cougars Mike Pattison, Josh Dunning, and Brett Carolan, indeed played a prominent role in the outstanding success of this popular annual event; and

WHEREAS, Coach Price, in his five years as Head Coach at Washington State, has achieved notable success and, in 1992, took the Cougars to the Copper Bowl, following their 9-3 season record, the University's best showing since 1930; and

WHEREAS, also over the course of his career, he has been honored as Big Sky Conference Coach of the Year, Regional Coach of the Year by the American Football Coaches Association, and as Pac Ten Coach of the Year in 1989; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the success of the 1993 Blue-Gray All Star Football Classic, we join with the City of Montgomery and the Montgomery Lions Club in extending deepest gratitude and appreciation to Coach Mike Price and Coach Mike Zimmer of Washington State University, for both of whom a copy of this resolution shall be provided.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

NOTICE IN WRITING

Senator Dixon offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is given in accordance with the Senate Rules that on the next legislative day a motion will be made to add a new Senate Rule 60 and renumber subsequent Senate Rules accordingly:

“Rule 60. Unless approved by a two-thirds vote of the members of the Senate, a Committee on Conference report on a bill may not be approved until the legislative day after the legislative day on which the committee reported.”

Which was read and ordered filed with the Secretary.

RESOLUTION

Senators Little, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Thomas C. (Tom) Maher of Wetumpka, Alabama, demonstrated exemplary dedication and ability as a public servant for the citizens of Alabama; and

WHEREAS, Tom began his career of public service in Alabama as the Executive Director of the Neighborhood Improvement Council for the City of Mobile, Alabama, in 1978; and

WHEREAS, from January 1984, Tom served eminently and with great dedication as a Legislative Fiscal Analyst with the Alabama Legislative Fiscal Office until his health necessitated his retirement in November 1993; and

WHEREAS, during that period, Tom, through devotion to duty and with his superior intellect, provided the Alabama Legislature and the citizens of the State of Alabama with professional service of the highest level; and

WHEREAS, Tom's work brought him into contact with officials of both the public and private sectors representing diverse fields, including law enforcement, the Judiciary, and financial, administrative and informational systems; and

WHEREAS, his contacts with individuals within these sectors grew from simple acquaintances among colleagues to warm, lasting friendships, as it was impossible to resist Tom's wit, his kind manner, and genuine sincerity; and

WHEREAS, Tom was always eager to help others by resolving work-related problems, as well as providing them with encouragement during times of personal adversity, and we hope that he knows how grateful we were for his concern, and how much he inspired us with his dignity; and

WHEREAS, Tom's family life as a faithful, loving husband and as a devoted father, was worthy of emulation by all; and

WHEREAS, Tom unselfishly gave of himself to make government work better in improving the lives of the citizens of the State, and though that service was greatly appreciated, it was largely unrecognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartfelt appreciation is hereby expressed to the family of Thomas C. Maher for having shared him with those he served and, most especially, those with whom he worked and who loved him as a very special friend.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 91-652, the report of the Permanent Joint Legislative Committee on Finances and Budgets was filed with the Secretary.

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President Pro Tempore and Presiding Officer to appropriate standing committees, as follows:

By Senator Amari:

S. 1. Amending Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

Committee on Governmental
Affairs/State Administration

By Senators Windom and Ellis:

S. 2. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Windom and Ellis:

S. 3. Providing for a special additional civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

Committee on Judiciary/Civil

By Senator Hale:

S. 4. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

Select Committee on
Fiscal Responsibility

By Senator Hale:

S. 5. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

Select Committee on
Fiscal Responsibility

By Senators Bedsole and Amari:

S. 6. To amend Sections 36-27-23 and 36-27-25, Code of Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

Committee on Finance
and Taxation

By Senator Smith (J):

S. 7. To amend Sections 13A-6-20 and 13A-6-22, Code of Alabama 1975, to make the crime of assault on a peace officer a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Ghee:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

Committee on Constitution
and Elections

By Senator Smith (J):

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person

legally hunting or trapping, in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Langford:

S. 10. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

Committee on Finance
and Taxation

By Senator Langford:

S. 11. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

Committee on Finance
and Taxation

By Senator Langford:

S. 12. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

Committee on Governmental
Affairs/State Administration

By Senator Floyd:

S. 13. To amend Section 15-12-21, Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys; to provide further for the limit on the compensation

of attorneys in certain criminal cases; and to increase the docket fees in certain drug-related offenses and provide for the proceeds to be used for the representation of indigent criminal defendants, juveniles, and certain other persons.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 14. To exempt the Alabama Educational Enrichment Resource Agency, Inc., doing business as Quest For Excellence, from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Floyd:

S. 15. Proposing an amendment to the Constitution of Alabama of 1901, to allocate the percentages of trust income not appropriated to the Alabama Forever Wild Land Trust to the Alabama Special Educational Trust Fund for public education.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Floyd:

S. 16. To amend Section 26-14-7, Code of Alabama 1975, relating to investigations by the various county Human Resources Departments regarding reports of child abuse or neglect, requiring the department to provide written notice specifying the final status and final disposition of the case to the parent, legal guardian, or other person who has custody or charge of the child who is the subject of the report.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 17. Relating to Etowah County; proposing a constitutional

amendment to the Constitution of Alabama of 1901, authorizing the Etowah County Commission to levy an additional surcharge in cases in which the circuit courts, district courts, or municipal courts of Etowah County impose a fine for any offense or violation of a criminal law, a traffic law, or any ordinance of a political subdivision of Etowah County; and providing for the distribution of the revenues derived from the additional surcharge.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Floyd:

S. 18. Relating to Etowah County; proposing an amendment to the Constitution of Alabama of 1901, to authorize the Etowah County Commission to levy additional costs and fees on certain civil and criminal cases in the county and to provide for the distribution of the funds collected.

Committee on Local
Legislation No. 1

The above Bill was read a first time at length as required by the Constitution.

By Senator Floyd:

S. 19. To provide that probate record files be consolidated into one well-bound record book.

Committee on Governmental
Affairs/State Administration

By Senator Floyd:

S. 20. To permit the Department of Corrections and the Board of Pardons and Paroles to perform certain investigations and procedures in domestic violence and related cases.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 21. Proposing an amendment to Section 46 of the Consti-

tution of 1901, relating to the elections and terms of office for state Senators and members of the state House of Representatives, so as to limit the legislative terms.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Parsons:

S. 22. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

Committee on Judiciary/Civil

By Senator Denton:

S. 23. To amend Section 13A-5-40, Code of Alabama 1975, by providing that murder by a defendant wherein the defendant attempts to murder one or more persons during one continuing criminal enterprise shall be a capital offense.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Denton:

S. 24. To provide for the "Alabama Local Government Training Act"; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

Committee on Governmental
Affairs/Local Government

By Senator Denton:

S. 25. Proposing an amendment to the Constitution of Ala-

bama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 26. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

Committee on Governmental
Affairs/State Administration

By Senator Denton:

S. 27. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

Committee on Governmental
Affairs/State Administration

By Senator Windom:

S. 28. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

Committee on Agriculture,
Conservation, and Forestry

By Senator Windom:

S. 29. Providing for the imposition of additional penalties on

a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Windom:

S. 30. Providing for a special additional civil cause of action for victims who are injured or suffered loss due to an act committed on them because of their actual or perceived race, religion, national origin, ethnicity, or disability, and providing for treble damages and attorney fees.

Committee on Judiciary/Civil

By Senator Windom:

S. 31. Relating to the sales and use tax; to amend Sections 40-23-120 and 40-23-121, Code of Alabama 1975, to further provide for the good faith collection of the tax; and to provide for retroactive effect.

Committee on Finance
and Taxation

By Senator Windom:

S. 32. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

Committee on Judiciary/Civil

By Senator Parsons:

S. 33. To provide that law enforcement officers may engage in or refrain from participating in political activity by amending Section 17-1-7, Code of Alabama 1975.

Committee on Judiciary/Civil

By Senator Sanders:

S. 34. Relating to health care; permitting the establishment of health care delivery networks; permitting midlevel health care practitioners to administer certain health services in the networks and prescribing the

qualifications and permissible practices of these practitioners; creating the Alabama Board of Family Health Care Providers and specifying the powers and functions of the board; requiring the University of Alabama in Birmingham to establish certain continuing education programs, a physician recruitment and placement service, a Center of Excellence for Rural Health Care, and a rural health care program; requiring certain medical and nursing education modifications; permitting the establishment of health care trusts to encourage and coordinate the offering of health insurance coverage by employers and granting an income tax credit for employers and employees purchasing the insurance coverage; requiring certain students of institutions of higher education to participate in an insurance program; and requiring the establishment of a long-term case management demonstration program for functionally impaired persons.

Committee on Health

By Senator Sanders:

S. 35. To provide for the establishment of community development bank corporations; to require community development bank corporations to serve a specific geographic area; engage in nontraditional banking activities in its service area with persons of low and moderate income; provide tax credits for banks investing in a community development bank corporation; provide for the regulation of community development bank corporations by the State Banking Department; create a public corporation known as the Community Development Bank Authority; provide for its organization, powers, and duties; allow the authority, from time to time, to sell and issue bonds; provide for the disposition of the proceeds for the use and benefit of community development bank corporations; and provide for payment of the principal and interest on the bonds as they mature with proceeds from the investments and other payments received from the community development bank corporations.

Committee on Banking
and Insurance

By Senator Sanders:

S. 36. To provide that handicapped music dealers shall have the same rights as able-bodied music dealers to purchase music instruments from manufacturers or wholesalers of music instruments, and to provide for penalties.

Committee on Business
and Labor Relations

By Senator Sanders:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

Committee on Governmental
Affairs/State Administration

By Senator Sanders:

S. 38. To amend Sections 16-46-3, 16-46-5, and 16-46-6, Code of Alabama 1975, relating to regulation of certain schools and courses of instruction, so as to remove the exemption of certain schools currently exempt from licensure requirements, establish program areas to be reviewed prior to the issuance of a license, increase the amount of surety bonds, and fees; and establish a tuition guaranty fund.

Committee on Education

By Senator Sanders:

S. 39. To require each county to establish a medical assistance facility to provide standby emergency medical services, basic medical holding and stabilization services, basic ambulatory care, radiology diagnostic services, laboratory care, birthing services, nurse midwives and physicians on call, and wellness clinics.

Committee on Health

By Senator Sanders:

S. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

Committee on Finance
and Taxation

By Senator Sanders:

S. 41. To authorize each county in the state to operate a prison or jail in addition to its regular county jail and to enter into agreements with other governmental entities pursuant to which prisoners from other jurisdictions are transferred to the county prison or jail for incarceration; and to

provide that the provisions shall only be implemented in a county if approved by the voters.

Committee on Governmental
Affairs/State Administration

By Senator Langford:

S. 42. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

Committee on Finance
and Taxation

By Senator Sanders:

S. 43. To establish a procedure by which persons who are qualified to vote in this state may register to vote by mail.

Committee on Constitution
and Elections

By Senator Sanders:

S. 44. To grant benefits to physicians and other medical practitioners in medically underserved areas of the state, including educational loan payments, payments for malpractice insurance, and exemption from state income tax.

Committee on Health

By Senator Sanders:

S. 45. To provide for nurse midwives to be the basic obstetric service for rural areas; to reestablish the Nurse Midwifery Program at the University of Alabama in Birmingham; and to provide for liability insurance.

Committee on Health

By Senator Sanders:

S. 46. To provide for the scope of practice of nurse practitioners in rural areas.

Committee on Health

By Senator Sanders:

S. 47. To define the misdemeanor crime of stalking; to prescribe penalties upon first and subsequent convictions, or upon violation of certain court orders; to provide cumulative effect; and to prescribe an effective date.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Sanders:

S. 48. To make a finding that speedy criminal trials are the best deterrent to criminal activities. To require that criminal trials be held within 90 days of indictment of the defendant, that the trial judge may continue the trial past the 90-day period for issues of substantial justice, that the defendant shall be provided with all exculpatory material within 30 days after indictment, that failure to try a defendant within 90 days or provide exculpatory material shall be cause for dismissal, and that this act shall apply to defendants indicted after January 1, 1994.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Sanders:

S. 49. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

Committee on Education

By Senator Sanders:

S. 50. Requiring the establishment of a school breakfast program and a school lunch program in certain schools.

Committee on Education

By Senator Sanders:

S. 51. To provide further for the political parties listed on ballots and to repeal Section 17-8-2.1, Code of Alabama 1975.

Committee on Constitution
and Elections

By Senator Sanders:

S. 52. To require the various insurance organizations providing protection, indemnity, or health maintenance organizations to include coverage for the insured's personal physician or physician of choice in policies, agreements, or contracts issued.

Committee on Banking
and Insurance

By Senator Sanders:

S. 53. To propose an Amendment to the Constitution of Alabama of 1901, to provide that the Legislature shall establish an adequate and efficient system of public education and to provide for funding thereof; and to repeal conflicting provisions of Section 217 of the Constitution of Alabama of 1901, as amended, and Section 256 of the Constitution of Alabama of 1901, as amended.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Sanders:

S. 54. To repeal Sections 9-13-40 to 9-13-50, inclusive, Code of Alabama 1975, relating to Auxiliary State Forests.

Committee on Agriculture,
Conservation, and Forestry

By Senator Windom:

S. 55. To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal or enactment of general laws or constitutional amendments by an initiative or referendum subject to the same limitations imposed on the Legislature with certain exceptions.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Owens:

S. 56. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

Committee on Banking
and Insurance

By Senator Denton:

S. 57. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

Committee on Governmental
Affairs/State Administration

By Senator Denton:

S. 58. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

Committee on Governmental
Affairs/Local Government

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 59. To establish the Board of Electrical Inspections and an Electrical Division within the Alabama Department of Labor; to provide for the certification and recertification of those performing electrical work within the scope of the National Electrical Code; to provide for standards

and the inspection of electrical work; to provide for exceptions; and to provide penalties for practicing without; and to provide for the collection of fees.

Committee on Governmental
Affairs/Local Government

By Senator Denton:

S. 60. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors, revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Committee on Governmental
Affairs/Local Government

By Senator Windom:

S. 61. Relating to motor vehicles; to prohibit inducing the buyer of a motor vehicle pursuant to a retail installment contract or the lessee of a motor vehicle pursuant to a lease contract from subleasing the motor vehicle without certain consent; to prohibit the offering for hire of motor vehicles subleased in violation of this act; and to provide penalties.

Committee on Judiciary/Civil

By Senator Langford:

S. 62. To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

Committee on Finance
and Taxation

By Senator Langford:

S. 63. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one gov-

ernmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

Committee on Governmental
Affairs/Local Government

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Human Resources.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have reappointed, subject to your confirmation, Kay Miller from Montgomery, Alabama to serve as a member of the Alabama State Board of Human Resources.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rela-

tive to a reappointment to the Alabama State Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Human Resources.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Rosemary Elebash from Montgomery, Alabama to serve as a member of the Alabama State Board of Human Resources.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Honorable Herman Thomas from Mobile, Alabama to serve as a member of the University of South Alabama Board of Trustees. He will be filling the unexpired term of Dr. James Herring.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the University of South Alabama Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Bettye R. Maye from York, Alabama to serve as a member of the University of South Alabama Board of Trustees.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama Forestry Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have reappointed, subject to your confirmation, Ms. Carol Jean Grisham from Cherokee, Alabama to serve as a member of the Alabama Forestry Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a reappointment to the Alabama Forestry Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Educational Television Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have reappointed, subject to your confirmation, Ms. Ann W. Delchamps from Mobile, Alabama to serve as a member of the Alabama Educational Television Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a reappointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Public Accountancy.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. James C. White from Birmingham, Alabama to serve as a member of the Alabama State Board of Public Accountancy.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. T. R. Simmons

REGULAR SESSION
1st Day

39

from Jasper, Alabama to serve as a member of the Alabama Real Estate Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. John D. Richard from Huntsville, Alabama to serve as a member of the Alabama Real Estate Commission. Mr. Richard will be replacing Leon Crawford in the 5th Congressional District.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Billy Isom from Jacksonville, Alabama to serve as a member of the Alabama Real Estate Commission. Mr. Isom will be replacing Martha B. Harlan in the 3rd Congressional District.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Anthony L. Barnes from Birmingham, Alabama to serve as a member of the Alabama Real Estate Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Securities Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Marcus J. Wolf from Montgomery, Alabama to serve as a member of the Alabama Securities Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Securities Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. William D. Hasty, Jr. from Birmingham, Alabama to serve as a member of the Alabama Securities Commission.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Securities Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Livingston University Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert D. Keahey from Grove Hill, Alabama to serve as a member of the Livingston University Board of Trustees.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Public Accountancy.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. William E. Batson from Florence, Alabama to serve as a member of the Alabama State Board of Public Accountancy.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State Board of Public Accountancy, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Alcoholic Beverage Control Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. James Bailey from Hanceville, Alabama to serve as a member of the Alabama Alcoholic Beverage Control Board replacing Mr. Nasief Joe Rookis who has resigned.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Alcoholic Beverage Control Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Crime Victims Compensation Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Miriam Shehane from Montgomery, Alabama to serve as a member of the Alabama Crime

1st Day

Victims Compensation Commission. She will be filling the unexpired term of Teresa B. Petelos who has resigned.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Crime Victims Compensation Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Kendrick from Orrville, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Doug Lipscombe from Foley, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bernard Cabiness from Scottsboro, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ferd F. Weil, Sr. from Birmingham, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Rusty Gibson from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil Service Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Tuscaloosa City Civil Service Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Bill DeLoach from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil Service Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ron Turner from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil Service Board.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Commission on Higher Education.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles H. Morris, III from Selma, Alabama to serve as a member of the Alabama Commission on Higher Education.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Commission on Higher Education, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. John Morris

from Warrior, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Woody Brown from Jasper, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 11th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Paul Holmes from Talledega, Alabama to serve as a member of the Alabama Farmers' Market Authority.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Waggoner (With Notice and Proof):

S. 64. Relating to Jefferson County; to further provide for the salary for the statutory chief clerk of the probate court of the county.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 64, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 65. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; and to provide penalties for violations.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Waggoner (With Notice and Proof):

S. 66. Relating to Jefferson County; to amend Act No. 929, S. 676, 1951 Regular Session, as amended, which created a Retirement and Relief System for officers and employees of the City of Birmingham, to provide benefits for surviving spouses of participants of the Supplemental Pension System and to provide for a retroactive effect.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 66, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

Committee on Health

By Senator Smith (J):

S. 68. To amend Section 36-26-26, Code of Alabama 1975, relating to layoffs of state employees, to require that merit system employees shall receive written notice prior to any layoff and to provide for a certain portion of compensation for accrued sick leave.

Committee on Finance
and Taxation

By Senators Mitchell, deGraffenried, Langford, Lindsey, Corbett, Ghee, Mitchem, Figures, Campbell, Dixon, Denton, Owens, Windom, Smith (J), Foshee, Bolling, Horn, Bailey, Little, Wilson, Ellis, and Amari:

S. 69. To provide for a salary increase for certain state employees; and to appropriate funds for the increase for the fiscal year beginning October 1, 1994.

Committee on Finance
and Taxation

By Senator Campbell (With Notice and Proof):

S. 70. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the

compensation of the county superintendent of education, to provide further for such compensation.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 70, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Owens:

S. 71. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

Committee on Banking
and Insurance

By Senators Mitchem, deGraffenried, Dial, Dixon, Windom, Ghee, Parsons, Mitchell, Lindsey, Wilson, Denton, Corbett, Smith (J), Little, Bolling, Barron, Horn, Waggoner, Langford, Bailey, Owens, Figures, Foshee, and Hale:

S. 72. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Committee on Finance
and Taxation

By Senators Corbett, Campbell, Figures, Wilson, Floyd, Lindsey, and Ghee:

S. 73. To require the Alabama Public Service Commission to issue and promulgate rules and regulations requiring owners of railroad bridges over which passengers and hazardous materials are transported to

equip the bridges and approaches, in strategic locations, with certain adequate warning systems.

Committee on Economic Affairs

By Senator Ellis (With Notice and Proof):

S. 74. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Helena in Shelby County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 74, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,
Secretary.

By Senators Figures, deGraffenried, Lindsey, Floyd, Windom, Hale, Owens, Wilson, Foshee, Horn, Little, Dial, Denton, Sanders, Waggoner, and Barron:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in elementary schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to prescribe the pupil-teacher ratio; to create and provide for the Ala-

1st Day

bama Commission on School Performance and Accountability; to create the Office of School Accountability; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-1-20.1, 16-1-20.2, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

Committee on Education

By Senators Mitchem, Dial, Dixon, Windom, Parsons, Ghee, Mitchell, Lindsey, Wilson, Denton, Corbett, Smith (J), Little, Bolling, Barron, Horn, Waggoner, Langford, Bailey, Foshee, Hale, Owens, and Figures:

S. 76. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

**Committee on Finance
and Taxation**

By Senator Floyd:

S. 77. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Committee on Judiciary/Civil

By Senator Hale:

S. 78. To amend Section 30-2-51 of the Code of Alabama

1975, to provide for discretionary inclusion of certain retirement pension benefits within a spousal estate when the court determines an allowance upon the grant of a divorce provided that the enumerated conditions are met.

Committee on Judiciary/Civil

By Senator Mitchell:

S. 79. To amend Section 6-5-391, Code of Alabama 1975, to further provide for the distribution of any damages recovered in a wrongful death action involving a minor child.

Committee on Judiciary/Civil

By Senator Lindsey:

S. 80. To require certain persons or entities to obtain a certification from the State Department of Public Health before conducting utilization reviews for covered medical insurance services.

Committee on Health

By Senator Mitchell:

S. 81. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

Committee on Economic Affairs

By Senator Dial:

S. 82. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

Committee on Banking
and Insurance

By Senator Foshee:

S. 84. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

Committee on Finance
and Taxation

By Senators Ghee, Smith (J), Windom, Wilson, Little, Ellis, Lipscomb, Dixon, Bolling, Hale, and Floyd:

S. 85. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Wilson:

S. 86. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the

State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Lindsey:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

Committee on Governmental
Affairs/State Administration

By Senator Mitchell (With Notice and Proof):

S. 88. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 88, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Lindsey:

S. 89. To clarify, define, and reaffirm the sovereign relationship between the State of Alabama and the Choctaw Indians.

Committee on Governmental
Affairs/State Administration

By Senator Lindsey:

S. 90. To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; and to repeal

Section 13A-12-3, Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Windom:

S. 91. To provide for forfeiture of a motor vehicle driven or operated under the influence by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture and certain exceptions for family hardship cases.

Committee on Judiciary/Civil

By Senator Windom:

S. 92. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Windom:

S. 93. To provide further for the regulation and supervision of the business of title insurance transacted within the state; to provide further for the authority of the Commissioner of Insurance; and to specifically repeal Section 27-25-1, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator Waggoner:

S. 94. To amend Section 13A-14-2, Code of Alabama 1975,

relating to executive or secret sessions of the Alabama Public Service Commission, school commissions of Alabama, Board of Adjustment, state or county tax commissions, any county commission, any city commission or municipal council, or any other body, board, or commission in the state charged with the duty of disbursing funds belonging to the state, county, or municipality, or board, body, or commission to which is delegated any legislative or judicial function; to provide additional exceptions to the law when the board, body, or commission meets with its attorney to obtain advice regarding present and pending litigation and when any board, body, or commission holds a discussion regarding the price the board, body, or commission will consider in the purchase or sale of real property.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Waggoner:

S. 95. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Langford:

S. 96. To amend Section 36-26-27, Code of Alabama 1975, to provide further for procedures relating to dismissals and disciplining of certain employees.

Committee on Judiciary/Civil

By Senator Parsons (With Notice and Proof):

S. 97. Relating to the City of Birmingham; to amend Articles V and VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124) as amended, providing for the Retirement and Relief System of the City of Birmingham; providing for benefit increases and contribution reductions; providing for vesting and early retirement options for current participants; providing for additional benefits to retirees; providing for a one-half of one percent reduction in the contribution of the city and the participants if the fund is found and remains actuarially sound; and providing for an effective date.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 97, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 98. Relating to retirement or participant benefits and spouse's or survivor's benefits paid by certain pension, relief, or retirement systems of Class 1 municipalities to persons who are covered under the Policemen's Pension and Relief Fund provided by Act No. 502 of the 1923 Session of the Legislature, as amended, the Fireman's Pension and Relief Fund provided by Act No. 307 of the 1943 Session of the Legislature, as amended, the Separate Policeman's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature, as amended, or the Separate Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature, as amended, to provide further for certain minimum monthly benefits payable under the systems to certain persons.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 98, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 99. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

Committee on Judiciary/Civil

By Senators Dial, Mitchem, Hale, and Owens:

S. 100. To make a supplemental and additional appropriation

from the Alabama Special Educational Trust Fund to the Local Boards Program of the State Board of Education for Teachers' Sick Leave, Support Personnel Sick Leave, Teachers' Personal Leave, and Support Personnel Personal Leave for the 1993-94 fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Ghee:

S. 101. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Sections 17-4-189, 17-4-211, and 17-4-214 of the Code of Alabama 1975, to transfer the Office of Voter Registration to the Secretary of State's office and provide for certain additional personnel in the office; to provide further for the time for reidentifying and registering electors prior to an election; to provide for a centralized system for voter registration under the Secretary of State and for dissemination of information on voter registration under certain conditions and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

Committee on Constitution
and Elections

By Senator Smith (J):

S. 102. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board

of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

Committee on Health

By Senator Smith (J):

S. 103. To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance of law enforcement officers to include on a graduated basis officers with the Department of Corrections.

Committee on Judiciary/Civil

By Senator Parsons:

S. 104. Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, and applying for a driver's license, proof of a motor vehicle liability insurance policy, in force, from an approved insurance company, or certain other financial responsibility; setting the minimum limits and policy coverage; providing penalties for violations and providing for an assigned risk plan for persons classified as high risks, and the effective date; and providing for certain exceptions.

Committee on Banking
and Insurance

By Senator Owens:

S. 105. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Underwood:

S. 106. Proposing an amendment to Section 122 of the Constitution of Alabama of 1901, to require the Governor to provide a seven day advance notice to legislators prior to convening a special session. The advance notice requirement may be waived with the approval of either the Lieutenant Governor or the Speaker of the House.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

S. 107. To provide for the offense of filing a false official complaint against a law enforcement officer; to provide penalties; and to provide that any civil remedy or right which a law enforcement officer may have against a person filing a false official complaint would be preserved.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Dixon, Dial, Bolling, Barron, Mitchem, Ellis, Windom, Hill, and Waggoner:

S. 108. To provide for the offense of making false statements to obtain workers' compensation benefits.

Committee on Business
and Labor Relations

By Senators Underwood, Ghee, and Hill:

S. 109. To amend Section 17-22A-7, Code of Alabama 1975, as amended by Act No. 93-762 of the 1993 Regular Session (Acts 1993, p. 1528), to provide further for campaign financing for certain candidates for public offices and to provide for a delayed effective date.

Committee on Constitution
and Elections

By Senator Mitchem:

S. 110. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof until approved by an ordinance enacted, or by a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a

local source of revenue within the municipality, county, or instrumentality for the purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; to provide for exceptions; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Waggoner:

S. 111. Relating to insurance; to provide that insurance coverage for medically necessary early intervention services be included as coverage for newborn children under any insurance policy, nonprofit service corporation contract, or health maintenance organization evidence of coverage; providing family members' coverage; providing that the benefits be provided as part of a basic benefits policy, with certain maximum coverage; and providing that the benefits paid not be applied by the insurer against any maximum benefit limits, as may be specified in the policy, by amending Section 27-19-38, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senators Owens and Smith (J):

S. 112. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Owens:

S. 113. To amend Sections 41-9-320, 41-9-325 to 41-9-328, inclusive, and Section 41-9-330, Code of Alabama 1975, to rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the scope of authority of the renamed commission to include the preservation and maintenance of historic ironworks and furnaces sites throughout the state.

Committee on Public Welfare

By Senator Campbell (With Notice and Proof):

S. 114. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 114, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Campbell:

S. 115. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

Committee on Governmental
Affairs/State Administration

By Senator Campbell:

S. 116. To amend Section 16-8-6, Code of Alabama 1975, relating to vacancies in county boards of education, to provide that an ap-

pointee may serve out the unexpired term or until the next regular election, whichever occurs first.

Committee on Education

By Senator Campbell (With Notice and Proof):

S. 117. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 117, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Dixon and Corbett:

S. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division, Department of Finance.

Committee on Economic Affairs

By Senator Corbett:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

Committee on Economic Affairs

By Senator Horn:

S. 120. To establish an urban educational and job training program in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission and to be entitled the Urban and Community Forestry Financial Assistance Program.

Committee on Agriculture,
Conservation, and Forestry

By Senator Waggoner:

S. 121. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and graveyard owners, to further provide for the number of trustees.

Committee on Public Welfare

By Senator Mitchell:

S. 122. To regulate and provide procedures for personnel records of public school employees.

Committee on Education

By Senator Horn:

S. 123. To amend Section 41-16-120, Code of Alabama 1975, relating to the transfer and disposal of surplus property owned by the state, so as to permit the Board of Pardons and Paroles to have first preference in inspecting surplus passenger automobiles and to permit the Board to receive up to 300 surplus passenger automobiles by paying only the appropriate administrative and handling service charge to the surplus property division.

Committee on Governmental
Affairs/State Administration

By Senator Horn:

S. 124. To amend Section 41-17-1, Code of Alabama 1975, by prohibiting the purchase of certain optional equipment on state-owned ve-

hicles; to prohibit the purchase or lease of automotive vehicles, except for emergency purposes; and to provide exemptions.

Committee on Finance
and Taxation

By Senator Horn:

S. 125. To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for four pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 126. To create an Education Technology Fund within the State Treasury; to make an appropriation to the Education Technology Fund for the fiscal year ending September 30, 1994; and to exempt the expenditure of those funds from the provisions of Sections 41-4-220 through 41-4-224, Code of Alabama 1975.

Committee on Finance
and Taxation

By Senator Horn:

S. 127. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 128. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 129. To make an appropriation to the Department of Public Health for the fiscal year ending September 30, 1995 for educational purposes.

Committee on Finance
and Taxation

By Senator Horn:

S. 130. To make an appropriation to the Project DARE and the DON'T - Madison County drug education programs for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 131. To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 132. To make an appropriation from the Alabama Special Educational Trust Fund to Constitution Hall Village at Huntsville, Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 133. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal

year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 134. To provide for the funding of the Alabama Tombigbee Regional Commission; for this purpose to make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Tombigbee Regional Commission for the fiscal year ending September 30, 1995; and to provide for the use of the funds.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 135. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 136. To amend Section 13A-6-21, Code of Alabama 1975, relating to assault in the second degree; to provide further that an assault in the third degree by an inmate against a state employee or judge shall be classified as an assault in the second degree.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Horn:

S. 137. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the purpose of defraying the expenses of championship athletic contests and the Alabama-Mississippi All Star Championship for the

fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 138. To provide supplemental conditional appropriations to various state agencies from the State General Fund for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 139. To make an appropriation to the Department of Education for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 140. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 141. To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 142. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year end-

ing September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 143. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 144. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 145. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the restoration and preservation of the Rickwood Field Baseball Park for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 146. To make an appropriation from the Alabama Special Educational Trust Fund to the University of Alabama at Birmingham for the establishment of an Athletic Trainers Program for the Birmingham Public Schools Athletic Department for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 147. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 148. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 149. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's and Women's Hospital in Mobile, Alabama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 150. To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 151. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Alabama Sports Festival, Inc. for the fiscal year ending September 30, 1995, and to

require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 152. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 153. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 154. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 155. To make an appropriation from the Alabama Special Educational Trust Fund to the Omnimax Discovery 2000 for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 156. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 157. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 158. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 159. To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 160. To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year

ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 161. To make an appropriation from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated for the fiscal year ending September 30, 1995 for programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

Committee on Finance
and Taxation

By Senator Horn:

S. 162. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 163. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 164. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 165. To make an appropriation from the Alabama Special Educational Trust Fund to Miles College for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 166. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 167. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 168. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 169. To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal

year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 170. To make an appropriation to the Department of Youth Services for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 171. To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 172. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 173. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 174. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 175. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 176. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1995, and to require an audited financial statement and operations plan prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 177. To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 178. To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1995, and to require an operations plan

and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 179. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1995 and, to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 180. To make an appropriation to the Space Science Exhibit Commission for the fiscal year ending September 30, 1995, for educational purposes.

Committee on Finance
and Taxation

By Senator Horn:

S. 181. To repeal Section 40-1-32.1, Code of Alabama 1975, which established the Proration Prevention Account.

Committee on Finance
and Taxation

By Senator Horn:

S. 182. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 183. To make an appropriation from the Alabama Special

Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, and the Cerebral Palsy Housing Foundation for the year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 184. To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 185. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 186. To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 188. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 189. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 190. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 191. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Inc. for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 192. To make an appropriation from the Alabama Special Educational Trust Fund to the Children's Hospital in Birmingham, Ala-

bama for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 193. To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-95 fiscal year and to continue thereafter; and to establish miscellaneous pay provisions.

Committee on Finance
and Taxation

By Senator Dixon:

S. 194. To amend Sections 17-4-181 and 17-4-183 of the Code of Alabama 1975, to change the month the board meets to purge the lists and the date of publication of the names of persons struck from the lists of registered voters.

Committee on Constitution
and Elections

By Senators Dixon, Ellis, Hale, Windom, Hill, and Waggoner:

S. 195. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections and terms of office for State Senators and members of the State House of Representatives, so as to limit the legislative terms.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Corbett:

S. 196. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

Committee on Economic Affairs

By Senator Corbett:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1995.

Committee on Economic Affairs

By Senators Dixon and Corbett:

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

Committee on Economic Affairs

By Senator Corbett:

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two terms of office.

Committee on Economic Affairs

By Senator Corbett:

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-1, 34-14-2, 34-14-3, 34-14-4, 34-14-6, 34-14-7, 34-14-9, 34-14-11, 34-14-12, 34-14-13, 34-14-14, 34-14-30, 34-14-31, and 34-14-33, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Aid Dealers Board; provide further for definitions, duplicate licenses, fees, and exams of the board; provide additional disciplinary and legal powers for the board; exempt members from personal liability for acts of the board; provide further for illegal acts and penalties therefor; provide further for the board members and of-

ficers; and to require the Attorney General to serve as legal advisor for the board.

Committee on Economic Affairs

By Senator Corbett:

S. 201. To require sellers of new automobile parts to provide a written one-year warranty on all new automobile parts that are sold to the public.

Committee on Economic Affairs

By Senator Dixon:

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; to define the word "possession"; to provide for exceptions; and to prescribe penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Corbett:

S. 203. To amend Section 40-25-5, Code of Alabama 1975, to ensure that the seven and one-half percent discount granted for the affixation of tobacco stamps shall not be applicable to county tobacco stamps.

Committee on Economic Affairs

By Senator Dixon:

S. 204. To exempt Camp Alamisco from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Horn:

S. 205. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lot-

tery and prohibit private lotteries, to establish a Lottery Commission, and to permit reciprocal agreements by general statute.

Committee on State Development
and Tourism

The above Bill was read a first time at length as required by the Constitution.

By Senator Horn:

S. 206. To establish a state lottery and prescribe the terms and conditions for its operation; create an Alabama State Lottery Commission and provide for its composition, powers, and duties; provide for funding of the lottery and the disposition of the proceeds; and prescribe penalties for certain violations.

Committee on State Development
and Tourism

By Senator Smith (J):

S. 207. To further provide for the collection of sales or use tax on the installation of a product for a tax exempt entity.

Committee on Finance
and Taxation

By Senator Foshee:

S. 208. Authorizing the Department of Mental Health and Mental Retardation to use the Alabama Criminal Justice Information System to secure criminal history background information on certain persons the department employs or contracts with, or both, to be direct care providers.

Committee on Health

By Senator Foshee:

S. 209. To make an appropriation for the payment of interest due the federal government as computed in accordance with the provisions of the Cash Management Improvement Act of 1990, Public Law 101-453

and authorize the director of finance to provide the necessary administration to ensure full compliance with all the provisions of Public Law 101-453.

Committee on Finance
and Taxation

By Senator Foshee:

S. 210. To propose an amendment to the Constitution of Alabama 1901 to protect the assets of the state insurance fund and the liability trust fund from being used, loaned, encumbered or diverted to or for any purpose other than the purposes for which the said trust funds were established by law.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Foshee:

S. 211. To authorize the director of finance to establish by October 1, 1994, a state employee injury compensation program and amend Sections 41-9-62 and 41-9-68, Code of Alabama 1975, which currently make the board of adjustment the exclusive remedy for state employees who are injured while at work.

Committee on Finance
and Taxation

By Senator Ghee:

S. 212. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

Committee on Agriculture,
Conservation, and Forestry

By Senator Figures:

S. 213. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10, Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Figures:

S. 214. To prohibit a person from providing anything of value to a person receiving a scholarship or grant to attend a state institution, or for a person receiving a scholarship or grant to attend a state institution to accept anything of value, if receipt of that thing of value is in violation of the rules of the school or the rules, terms, and conditions of any association of which the school is a member; and to prescribe criminal penalties for violating this act.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Horn:

S. 215. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Horn:

S. 216. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public educational entities for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public educational entities for public educational purposes to include, but not limited to, capital improvements, library acquisitions, equipment purchases, transportation,

renovations and operations and maintenance for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 217. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to Parent-Teacher Associations of certain public schools for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Parent-Teacher Associations of those public schools for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 218. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public libraries for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public libraries for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 219. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain local governments for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those local governments for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 220. To repeal the appropriation made by Act 93-789 of the 1993 Regular Session to the Alabama Music Hall of Fame Research Li-

brary for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Music Hall of Fame Research Library for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 221. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Cherokee County Dixie Youth Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Cherokee County Dixie Youth Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 222. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Daughters of the American Revolution School for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Daughters of the American Revolution School for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 223. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Dothan for the Wiregrass Museum of Art Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Dothan for the Wiregrass Museum of Art Education Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 224. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain legislative delegations and delegation offices for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those legislative delegations and delegation offices for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 225. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Opelika City Board of Education for the Opelika Arts Council for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Opelika Arts Council for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 226. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 227. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Alabama Public School and College Authority for general public educational purposes for the fiscal year ending

September 30, 1994 and to reappropriate those funds to the Alabama Public School and College Authority for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 228. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Pickens County Board of Education for the Prisoner of War Museum for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Pickens County Board of Education for the Prisoner of War Museum to be used for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 229. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Volunteers of Clay, Randolph and Chambers Counties for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Volunteers of Clay, Randolph and Chambers Counties for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 230. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Department of Youth Services for Children's Harbor for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Department of Youth Services for Children's Harbor for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 231. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Valley for the Community Theatre Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Valley for the Community Theatre Education Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 232. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to Etowah County for the Youth Symphony Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Etowah County for the Youth Symphony Education Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 233. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Gadsden for the Quest for Excellence Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Gadsden for the Quest for Excellence Education Program for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Horn:

S. 234. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Tannehill Learning Center for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Tannehill Learning Center for educational purposes for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Owens:

S. 235. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

Committee on Small Business

By Senator Waggoner:

S. 236. To exempt the First Christian Church of Birmingham, Inc. and its doing business as Hargis Christian Retreat, from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by it from any state, county, and local ad valorem taxes.

Committee on Finance
and Taxation

By Senator Amari (With Notice and Proof):

S. 237. To amend Section 11-52-3 of the Code of Alabama 1975, relating to planning commission in Class 1 municipalities, to provide further for the compensation for meetings attended by the appointed members of the planning commission of Class 1 municipalities, who are neither elected officials nor employees of the municipality; and to provide an effective date of the act.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 237, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari:

S. 238. To propose an amendment to Amendment No. 284 of the Constitution of Alabama of 1901, relating to the selection, qualifications, powers, duties, and tenure of the State Board of Education and the State Superintendent of Education, to provide for the appointment of the State Superintendent of Education by the Governor.

Committee on Education

The above Bill was read a first time at length as required by the Constitution.

By Senator Amari:

S. 239. To amend Section 16-4-1, Code of Alabama 1975, relating to the appointment, qualifications, and salary of the State Superintendent of Education, to provide for the appointment of the State Superintendent of Education by the Governor.

Committee on Education

By Senator Little:

S. 240. Amending Section 17-22A-18 of the Code of Alabama 1975, prohibiting a political committee from transferring any contribution to any other political committee.

Committee on Business
and Labor Relations

By Senator Escott-Russell (With Notice and Proof):

S. 241. Relating to the City of Birmingham in Jefferson County; to amend Act No. 453, H. 427 of the 1967 Regular Session (Acts 1967, p. 1129), as amended by Act No. 393, H. 1317 of the 1975 Regular Session (Acts 1975, p. 976), as amended, establishing a pension and relief fund for officers and employees of the library board of any city having a population of 300,000 or more according to the 1970 or any subsequent federal census, to authorize the library board employer of the members of the Library Board Employees' Pension and Relief Fund to pay certain employee contributions for certain members of the system.

Committee on Local
Legislation No. 2

REGULAR SESSION
1st Day

103

I hereby certify that the notice and proof is attached to the Bill, SB 241, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell (With Notice and Proof):

S. 242. To provide members of the council or governing body of any Class 1 municipality with a certain additional expense allowance; to provide that the expense allowance provided under this act and the expense allowances provided under Section 11-43-7.1, Code of Alabama 1975, shall be eligible for certain treatment both as to the determination of retirement benefits and allowances, and to the withholding of required contributions for membership in any pension or retirement system trust fund in which the members may participate.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 242, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Wilson, Langford, Lindsey, Bailey, Windom, Waggoner, Dixon, Ellis, Little, Lipscomb, Corbett, Escott-Russell, Barron, Horn, Hale, Campbell, and Figures:

S. 243. Relating to energy conservation, production, and efficiency in the State of Alabama; to adopt a state energy policy; and to provide that the Science, Technology and Energy Division of the Alabama Department of Economic and Community Affairs shall be the state entity to coordinate and implement a state energy plan in compliance with the federal Energy Policy Act of 1992.

Committee on Energy and
Natural Resources

By Senator Little:

S. 244. To amend Section 36-27-26, Code of Alabama 1975,

relating to proposed legislation affecting the State Employees' Retirement System, to include legislation affecting the Judicial Retirement System.

Committee on Finance
and Taxation

By Senator Ghee:

S. 245. Amending Section 34-15-4 of the Code of Alabama 1975, requiring hotels to install and maintain in each hotel room a smoke detector device that has a primary source of power provided by the electrical system of the building; and providing a delayed operative date.

Committee on Public Welfare

By Senator Little:

S. 246. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Little:

S. 247. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Committee on Health

By Senator Little:

S. 248. To amend Section 36-25-14, Code of Alabama 1975, relating to statements of economic interest to expand certain categories of income received by elected officials and public employees.

Committee on Constitution
and Elections

By Senator Bailey:

S. 249. To provide for the suspension or denial of a driver's license or learner's license of a student suspended from school for posses-

sion of an unauthorized weapon or an illegal controlled substance; and to provide for notice, hearing, and appeals.

Committee on Education

By Senator Bailey:

S. 250. To amend Section 26-21-1, et sequel, Code of Alabama, 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's signature to a consent form to be notarized or signed in the presence of the abortion provider or agent based on proper identification; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

Committee on Judiciary/Civil

By Senator Bailey:

S. 251. To make an appropriation from the State General Fund in the State Treasury to the Commission On The Aging for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Bailey:

S. 252. To make an appropriation from the Alabama Special Educational Trust Fund to the Wiregrass Museum of Art for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senators Parsons, Wilson, Floyd, and Bedsole:

S. 253. To provide for the position of Commissioner of Educa-

tion; and to authorize the restructuring of the State Department of Education.

Committee on Education

By Senators Parsons, Underwood, Wilson, Floyd, and Bedsole:

S. 254. To amend Sections 16-38-2 to 16-38-9, inclusive, Code of Alabama 1975, relating to disability determination of disabled persons and crippled children services, to designate the State Health Officer and the State Committee of Public Health to administer the services; and to transfer all property from the State Board of Education to the Committee of Public Health.

Committee on Governmental
Affairs/State Administration

By Senator Barron:

S. 255. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

Committee on Finance
and Taxation

By Senator Barron:

S. 256. To amend Section 37-3-4, Code of Alabama 1975, by providing further for the exemption of motor carriers who transport property in open top dump vehicles.

Committee on Commerce,
Transportation, and Utilities

By Senators Dixon, Owens, Ghee, Amari, Wilson, Bailey, and Ellis:

S. 257. To amend Section 36-26-18 of the Code of Alabama 1975, relating to the State Merit System, to further provide for the length of provisional appointments.

Committee on Governmental
Affairs/State Administration

By Senator Amari:

S. 258. To provide that certain services necessary for selling or refinancing bonds or other securities of the state or instrumentality thereof shall be subject to competitive bids.

Committee on Finance
and Taxation

By Senator Lipscomb:

S. 259. To provide that a person may not maintain a cause of action on the basis that but for the act or omission of another, wrongful or otherwise, the child would have been aborted and not born alive.

Committee on Judiciary/Civil

By Senator Lipscomb:

S. 260. To provide that a person may not maintain a cause of action on the basis that but for the act or omission of another, wrongful or otherwise, he or she would have been aborted and not born alive.

Committee on Judiciary/Civil

By Senator Dial:

S. 261. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and the Birmingham Football Foundation Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senator Corbett:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority and the

Russell County Water Authority from the levy of the tax.

Committee on Economic Affairs

By Senator Corbett:

S. 263. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property.

Committee on Economic Affairs

RECESS

At 5 o'clock P.M., Senator Foshee moved that the Senate take a recess until 6:15 P.M., to assemble in the House of Representatives Chamber in the State Capitol, at which time the Message of His Excellency, the Governor, will be delivered in Joint Session at 6:30 P.M., and further moved that at the completion of the Joint Session the Senate stand in adjournment until Thursday, January 13, 1994 at 11 o'clock A.M., which motion was adopted.

JOINT SESSION

At 6:15 P.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, the Honorable Jim Folsom.

The Session was called to order at 6:30 P.M. by the Honorable Ryan deGraffenried, President Pro Tempore and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Jim Folsom was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADJOURNMENT

The purpose of the Joint Session having been accomplished, at 7:05 P.M., in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, January 13, 1994, at 11 o'clock A.M.

SECOND LEGISLATIVE DAY
THURSDAY, JANUARY 13, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Dr. Curtis McDaniel, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Keith Coleman, Georgia Washington Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -32

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Lipscomb, Smith (B), and Wilson for today.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, January 18, 1994, at 4 o'clock P.M., which motion was adopted.

COMMITTEE REPORT FILED

Pursuant to the provisions of Section 41-20-4, Code of Alabama 1975, the annual report of the Sunset Committee was filed with the Secretary.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senators Ellis, Hale, Floyd, Wilson, Owens, and Dial:

S. 264. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

By Senator Waggoner:

S. 265. To amend Section 41-9-721, Code of Alabama 1975, to provide further for the appointment and term of members of the board of the Alabama Aviation Hall of Fame.

Committee on Economic Affairs

By Senator Windom:

S. 266. To amend Section 10-2A-221(a), Code of Alabama 1975, relating to the authority of a foreign corporation to act as a fiduciary in Alabama; to permit a foreign corporation to act in certain fiduciary capacities without qualifying to do business in Alabama, provided that the foreign corporation's home state grants authority to an Alabama corporation to serve like fiduciary capacities; to add the terms "personal representative" and "conservator" to the list of types of fiduciaries; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Committee on Banking
and Insurance

By Senator Windom:

S. 267. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, the State Insurance Fund, the State Employees' Retirement System, the Teachers' Retirement System, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Committee on Banking
and Insurance

By Senator Mitchem:

S. 268. To amend Section 40-18-27, Code of Alabama 1975, to adjust the minimum individual taxpayer filing requirements so as to give

consideration for the standard deduction.

Committee on Finance
and Taxation

By Senators Mitchem and Windom:

S. 269. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Mitchem:

S. 270. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

Committee on Finance
and Taxation

By Senator Corbett:

S. 271. To provide further for information to be contained on documents conveying an interest in real property and to provide for an effective date.

Committee on Judiciary/Civil

By Senator Wilson:

S. 272. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Wilson:

S. 273. Proposing an amendment to Amendment No. 443 to the Constitution of Alabama of 1901, relating to the conveyance and operation of Alabama State Docks property located in Tuscaloosa County to the Northport Port Authority.

Committee on Constitution
and Elections

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

S. 274. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

Committee on Finance
and Taxation

By Senators Mitchell, Hale, Dial, Barron, Dixon, Wilson, Waggoner, Lipscomb, Lindsey, Foshee, Hill, and Amari:

S. 275. To provide for "The Revised Alabama Education Improvement Act of 1994"; to amend Section 12-15-13, Code of Alabama 1975, relating to the delinquency of children, to provide that a parent or guardian may be punished for failure of the child to pursue academic and standards of conduct of the public schools and to prescribe penalties; to amend Chapters 1, 3, 4, 8, 10, 11, 13, 23, 27, 35, 36, and 60 of Title 16, Code of Alabama 1975, relating to education, to provide standards for equal and adequate educational opportunities in all public schools of the state; to amend Section 25 of "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session, to provide that all mandates of this act shall be implemented after passage of the act and signature of the Governor; to provide for certain penalties for violating certain injunctions concerning school safety; and to specifically repeal Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975.

Committee on Education

By Senator Bedsole:

S. 276. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Committee on Business
and Labor Relations

By Senators Floyd and Foshee:

S. 277. To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in the discharges; to provide for notice of violations for remedial purposes; and to provide for penalties for violations for enforcement of the requirements of this act.

Committee on Commerce,
Transportation, and Utilities

By Senator Bedsole:

S. 278. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Committee on Business
and Labor Relations

By Senator Bedsole:

S. 279. To provide that the Alabama Coalition Against Domestic Violence, Incorporated, shall establish standards for domestic violence shelters for membership in the coalition; and to provide that domestic violence shelters within the State of Alabama that meet the standards shall be eligible for receiving state funds.

Committee on Finance
and Taxation

By Senators Dial, Mitchem, deGraffenried, Owens, Dixon, Underwood, Floyd, Mitchell, Bailey, Bedsole, Parsons, Hill, Little, Waggoner,

Barron, Hale, Denton, Lindsey, Sanders, Ellis, Windom, and Smith (J):

S. 280. To establish the “Alabama Boating Safety Reform Act of 1994”; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regulate the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

Committee on Judiciary/Civil

By Senator Bedsole:

S. 281. Relating to environmental testing or analysis of environmental samples in this state; to authorize the Alabama Department of Environmental Management by rule and regulation to regulate environmental laboratories; to charge and collect fees for laboratory certification; to

provide civil enforcement and administrative appeals; and to provide criminal penalties.

Committee on Commerce,
Transportation, and Utilities

By Senator Bedsole:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

Committee on Agriculture,
Conservation, and Forestry

By Senator Dial:

S. 283. To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as a member of the commission; to provide certain duties for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

Committee on Governmental
Affairs/State Administration

By Senator Horn:

S. 284. To make an appropriation for the support and maintenance of the Sickle Cell Education Program for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Hill:

S. 285. Relating to Talladega College, granting certain persons employed by the college certain police powers, amending Section 16-22-1, Code of Alabama 1975.

Committee on Consumer Affairs

By Senator Bedsole:

S. 286. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

Committee on Judiciary/Civil

By Senator Owens:

S. 287. To amend Section 17-4-151, Code of Alabama 1975, relating to the removal from office of members of county boards of registrars.

Committee on Constitution
and Elections

By Senator Owens:

S. 288. To amend Section 27-14-3 of the Code of Alabama 1975, to specify that charitable organizations have an insurable interest in the life of any individual under certain conditions and to provide that this act is declaratory of existing law.

Committee on Banking
and Insurance

By Senator Horn:

S. 289. To provide for the enhancement of the sentence of a criminal defendant convicted of a crime when the victim was over the age of 62 years or under the age of 13, and the victim suffered serious physical injury or a deadly weapon or dangerous instrument was used.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Dial (With Notice and Proof):

S. 290. Providing for the District Attorney's Fund for the 40th Judicial Circuit.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 290, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 291. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

Committee on Judiciary/Civil

By Senator Foshee:

S. 292. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any

fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

Committee on Banking
and Insurance

By Senator Horn:

S. 294. To amend Section 41-16-123, Code of Alabama 1975, to exempt the Alabama Educational Television Commission from the present statutes relating to disposition of surplus property.

Committee on Governmental
Affairs/State Administration

By Senator Foshee:

S. 295. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator Horn:

S. 296. To amend Section 16-7-2, Code of Alabama 1975, to provide further for the allowance for members of the Alabama Education Television Commission.

Committee on Finance
and Taxation

By Senators Owens and Sanders:

S. 297. To repeal Sections 22-21-290, 22-21-291, 22-21-292, 22-21-293, 22-21-294, 22-21-295, 22-21-296, and 22-21-297, Code of Alabama 1975, known as "the Health Care Responsibility Act" which relate to the financial responsibility for indigent health care.

Committee on Health

By Senator Owens:

S. 298. To authorize judges and justices of the Unified Judicial System of the State of Alabama to obtain permanently-issued permits to carry handguns exempt from the payment of state and local permit fees; and to provide for the revocation of those permits under certain circumstances.

Committee on Judiciary/Civil

By Senators Campbell, Barron, Denton, Dial, Hill, Little, Waggoner, Bolling, Langford, Bedsole, Hale, Owens, Ellis, Dixon, Ghee, and Parsons:

S. 299. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

Committee on Commerce,
Transportation, and Utilities

By Senator Underwood:

S. 300. To prohibit the Alabama Alcoholic Beverage Control Board from issuing any form of license in a Class 1 or Class 2 municipality for the retail sale of any intoxicating beverage, including, but not limited to, beer and other forms of malt beverages, wine, or liquor of any kind or variety, without the approval of the governing body of the municipality in which the retail sales are sought to be licensed, unless the denial of approval is set aside by the circuit court of the county in which the license site is situated as having been arbitrarily or capriciously denied by the governing body; and to provide for court jurisdiction and procedures to review a denial of municipal approval and for the assessment of attorney fees.

Committee on Governmental
Affairs/State Administration

REGULAR SESSION
2nd Day

121

By Senator Windom:

S. 301. To further provide for the collection of sales or use tax on the installation of a product for a tax exempt entity by the manufacturer of the product; and to provide retroactive effect.

Committee on Finance
and Taxation

By Senator Escott-Russell (With Notice and Proof):

S. 302. Relating to Jefferson County; to amend Section 12 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376) as amended, relating to creating and establishing a countywide civil service system; to promote operational efficiency and control of certain local government employment practices by the local officials.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 302, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell (With Notice and Proof):

S. 303. Relating to Jefferson County; to amend Section 16 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as amended, relating to creating and establishing a countywide civil service system; to provide further for the use of eligible lists by the appointing authorities.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 303, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell (With Notice and Proof):

S. 304. To provide that the governing body of any Class 1

municipality, by resolution duly adopted, may withdraw the municipality from participation in any existing civil service system and create by ordinance a civil service system for its employees; to provide that the municipality shall give notice of the withdrawal to the existing system under which its employees are covered; to provide that the withdrawal shall not take effect for a period of twelve months from the date the notice is served on the existing system; to provide that the municipality shall, within the twelve month period, create and establish by ordinance a merit system of personnel administration based on merit principles and professional methods governing the appointment, tenure, promotion, transfer, layoff, separation, discipline, and other incidents of employment; to provide that withdrawal of the municipality and that employees of such boards or agencies shall be covered under the civil service system established by the municipality; and to repeal conflicting laws or parts of laws.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 304, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell:

S. 305. To exempt the Birmingham Civil Rights Institute, from all state, county, and municipal income, license, and sales and use taxes.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 306. To amend Section 41-23-24, Code of Alabama 1975, the Alabama Enterprise Zone Act, by providing that the tax incentives shall also be available to new and expanding small business adding employees and making certain capital investments in an enterprise zone.

Committee on Small Business

By Senator Escott-Russell:

S. 307. To provide for the purchase of credit under the Employees' Retirement System of Alabama by active and contributing mem-

bers of the system for employment as a temporary state employee, to further provide a method of payment where the member pays the total cost of the credit, and to provide for termination.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 308. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 309. To establish a minimum limit for certain construction contracts awarded by competitive bidding by state, county, and municipal governments or their departments, agencies, or instrumentalities.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 310. To exempt the City Stages, Inc. from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 311. To amend Section 41-16-52 of the Code of Alabama 1975, to increase the amount of certain expenditures for repair, repair parts, or lease of heavy duty off-highway construction equipment and all vehicles with a gross vehicle weight rating of 25,000 pounds or greater that may be made without the requirement of competitive bids being taken.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 312. To exempt Birmingham Summerfest, Incorporated, from all state, county, and municipal income, license, and sales and use taxes.

Committee on Finance
and Taxation

By Senators Bailey, Hill, Ellis, Underwood, Corbett, Smith (J), Floyd, Windom, Waggoner, Lindsey, Mitchell, Bolling, Langford, and Horn:

S. 313. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

Committee on Governmental
Affairs/State Administration

By Senator Amari:

S. 314. Relating to public housing authorities; to further provide for the appointment and election of certain housing commissioners of municipal and county housing authorities; and for this purpose to amend Sections 24-1-24 and 24-1-63, Code of Alabama 1975.

Committee on Governmental
Affairs/Local Government

By Senator Corbett:

S. 315. To make an appropriation from the Alabama Special Educational Trust Fund to the Macon County Fine Arts Manifesto for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Corbett:

S. 316. To make an appropriation from the Alabama Special Educational Trust Fund to the Macon County Fine Arts Manifesto for the

fiscal year ending September 30, 1994, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Barron:

S. 317. To amend the Alabama Special Educational Trust Fund appropriation bill, Act 93-772, H. 222, 1993 Regular Session, to make a supplemental appropriation to the Department of Mental Health and Mental Retardation.

Committee on Finance
and Taxation

By Senators Hale, Barron, Dial, Lindsey, Mitchem, Windom, Smith (J), Waggoner, Bolling, Dixon, Horn, Ellis, Langford, Foshee, Bailey, Mitchell, Owens, Escott-Russell, Figures, and Sanders:

S. 318. To authorize the merger of Wallace State Community College at Hanceville with the Auburn University System; and to provide for the property and personnel of the college.

Select Committee on
Fiscal Responsibility

By Senators Bedsole, Parsons, Dixon, Owens, Hill, Underwood, Little, Floyd, Amari, Windom, Ellis, Bolling, Figures, and Bailey:

S. 319. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-3, 17-22A-4, 17-22A-5, 17-22A-7, as amended by Act 93-762, S. 27, 1993 Regular Session, 17-22A-8, 17-22A-9, 17-22A-11, 17-22A-18, and 17-22A-21 of the Code of Alabama 1975, to provide further for the solicitation, acceptance, and reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to regulate further the acceptance of campaign contributions by certain candidates for public office and the campaign contributions made by certain political organizations to the candidates; to limit campaign contributions to candidates for certain public offices; and to prescribe penalties for violations.

Committee on Constitution
and Elections

By Senators Bedsole, Parsons, Dixon, Owens, Hill, Underwood, Little, Floyd, Amari, Windom, Ellis, Bolling, and Bailey:

S. 320. Relating to the State Ethics Law; defining certain terms; conforming certain provisions to those terms; making technical nonsubstantive changes; increasing the membership of the commission and providing for the method of filling vacancies; providing for the promulgation of rules and regulations; requiring the recording of proceedings and the preservation of the records; requiring Legislators and lobbyists to attend certain educational classes; permitting the copying of certain documents; specifying the procedure for the issuance of advisory opinions; requiring that investigative matters remain confidential and providing penalties for violations; providing a procedure for processing a complaint, including a complaint filed by a complainant requesting anonymity, and for offering the respondent a right to participate; providing a procedure for conducting an investigation and a hearing; providing a procedure for the subpoena of evidence; prohibiting certain public officers and public employees from lobbying for a fee or from entering into a contract with their former office or agency for a certain time and specifying the implementation date of this prohibition; revising the statement of economic interests; specifying the procedure to be used to remove a candidate from the ballot; requiring lobbyists and principals to file additional information; prohibiting public officials and public employees from soliciting a thing of value or certain costs and prohibiting a lobbyist from satisfying the solicitation; providing certain employment protection and civil remedies to persons filing a complaint; creating the crime of knowingly making a false report of a complaint and prescribing criminal penalties; permitting the recovery of attorney fees in a civil action; specifying implementation and effective dates; and amending Sections 36-25-1 to 36-25-30, inclusive, of the Code of Alabama 1975.

Committee on Constitution
and Elections

By Senator Langford:

S. 321. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that the retired judges shall pay the entire cost for having such group health insurance during retirement.

Committee on Judiciary/Civil

By Senator Little:

S. 322. To provide for the regulation and licensure of geolo-

REGULAR SESSION
2nd Day

127

gists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Committee on Energy and
Natural Resources

By Senator Escott-Russell:

S. 323. To provide for the enhancement of the sentence of a person who is convicted of a crime where the victim is elderly, infirmed, or handicapped.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Escott-Russell (With Notice and Proof):

S. 324. Relating to Jefferson County; to amend Section 1 of Act No. 85-836, S. 21 of the 1985 Second Special Session, to provide that the sheriff receive the total amount of the salary paid to the District Attorney for the Tenth Judicial Circuit commencing with the next term of office.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 324, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell (With Notice and Proof):

S. 325. To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 325, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Escott-Russell:

S. 326. To provide for commemorative motor vehicle tags for certain educators; to appropriate certain fees for the tags to the Penny Trust Fund; to establish an advisory committee for the design of the tag; to provide that the cost and additional fees for the retired teachers commemorative license tags be paid equally from the State General Fund and the Special Educational Trust Fund; and to provide that the sum deposited to the Penny Trust Fund is a charitable deduction.

Committee on Finance
and Taxation

RESOLUTIONS

Senators Corbett, Foshee, Little, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to suspend the Rule in order to offer the following Senate Joint Resolution, to-wit:

SJR 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, John Robert (Bob) Boothe, Jr., a successful businessman and a dedicated public servant, is now a prominent educator who has been involved in education for 27 years; and

WHEREAS, Bob Boothe, Jr., who earned his Bachelor and Master's degrees from Troy State University, was awarded the LL.D. degree from Livingston State University in 1993, and he currently serves as executive assistant to the president of George C. Wallace State Community College in Dothan, a position he has held also at Opelika State Technical College; and

WHEREAS, Dr. Boothe further has served as interim president at Opelika State Technical College and, most recently, at Chattahoochee Valley State Community College (CVCC) in Phenix City, during which tenure he was the driving force behind such outstanding accomplishments as greatly increased enrollment, technical base funding in the amount of \$350 thousand, Emergency Medical Service funding, and affirmation of reaccredita-

tion from the Southern Association of Colleges and Schools, among numerous other achievements realized under his interim leadership; and

WHEREAS, a Methodist and former member of the Board of Directors of Troy First United Methodist Church, Dr. Boothe has extended his leadership and support to include active involvement and positions of leadership in many professional education associations, and civic clubs, including ex-officio service on the Phenix 2000 Board of Directors; the Phenix City/Russell County, Greater Valley Area, Opelika, and Dothan/Houston County Chambers of Commerce; and the East Alabama Child Advocacy Center Task Force, to mention only a few; and

WHEREAS, Dr. Boothe, who is included in such prestigious listings as Personalities of the South, Outstanding Community Leaders of America, and Who's Who in Education, is the former owner of two businesses in Troy, Alabama, and served both as a United States Congressional aide to the late George M. Grant, and as a doorman for the United States House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional service and distinguished community leadership, we hereby most highly commend Dr. John Robert (Bob) Boothe, Jr., for whom a copy this resolution of regard shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Horn requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 10. DECLARING AN EMERGENCY IN REGARD TO FUNDING FROM THE ALABAMA SPECIAL EDUCATIONAL TRUST FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1995.

WHEREAS, the Legislature hereby determines pursuant to Act 88-981 that an emergency exists in regard to funding from the Alabama Special Educational Trust Fund:

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the sum of \$16,000,000 shall be withdrawn from the Proration Prevention Account and shall be transferred to the Alabama Special Educational Trust Fund on or after October 1, 1994, to be available for appropriation by the Legislature for the fiscal year ending September 30, 1995.

BE IT FURTHER RESOLVED, That this resolution shall become effective immediately upon its passage by the Legislature and approval by the Governor or upon its otherwise becoming a law.

Which was read and referred to the Standing Committee on Rules.

Senators Dial, Hill, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

WHEREAS, William Flynt Nichols, a beloved son of Alabama, was reared and educated in Sylacauga, and earned B.S. and M.S. degrees from Auburn University; and

WHEREAS, a veteran of World War II, Bill Nichols was a gallant and courageous soldier who lost a leg in the minefields of Germany and was awarded the Purple Heart, the Bronze Star, and other commendations; and

WHEREAS, in 1966, after a distinguished career in the Legislature of Alabama, Mr. Nichols was elected to the United States House of Representatives, where he remained through successive reelections until his death; and

WHEREAS, Congressman Nichols, throughout his exemplary tenure in Congress, worked tirelessly for a strong national defense and was a champion of our military personnel; and

WHEREAS, Congressman Nichols, a ranking member of the House Armed Services Committee and the chairman of its Investigations Subcommittee, was the House sponsor of the Goldwater-Nichols Department of Defense Reorganization Act of 1986; and

WHEREAS, as a principal architect of this statute, Congressman Nichols contributed to the reorganization of the Joint Chiefs of Staff, specifying that only the chairman would be the principal military adviser to the President, the National Security Council, and the Secretary of Defense; and

WHEREAS, the Goldwater-Nichols Act streamlined the chain of military command, prescribed a clear military operational scheme, and ensured that military decisions were based on what was best for our entire nation; and

WHEREAS, the importance of this legislation was clearly shown during Operation Desert Storm, during which the chairman of the Joint Chiefs of Staff was empowered to advise the Commander-in-Chief, as the principal military adviser, regarding crossed service responsibilities, such as airlifts, sealifts, and supply operations, in a manner that was in the best interest of all military branches; and

WHEREAS, it is highly proper that the United States Navy recognize the paramount and continuing contributions made by Congressman William Nichols to the national defense of the United States in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. John H. Dalton, Secretary of the United States Navy, is respectfully requested to take all necessary action in order to name a ship in the United States Navy in honor of Congressman William F. Nichols.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the Secretary of Defense, the Secretary of the Navy, and to each member of the United States Congress representing Alabama so that they may know of our sentiments.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Ellis and Owens requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

WHEREAS, the 1992 Commission on the Future of the South, in its landmark report called "Measure by Measure: The South Will Lead the Nation," called for youth and community leadership development and support as critical to Southern economic development and progress; and

WHEREAS, the fourth goal said, "The South will have bold visionary leaders whose concerns are for the greater good of the community" and identified recommended strategies to create youth leadership opportunities, expanded leadership programs in rural and underserved areas and for emerging leaders, and to build and support a leadership network through resource and information sharing and otherwise; and

WHEREAS, in the well-respected report "Halfway Home and a Long Way to Go" the 1986 Commission on the Future of the South also called for states to place an emphasis on youth and community leadership opportunities and support; and

WHEREAS, the Legislature desires to explore ways by which the state, education (including school boards and districts, postsecondary and higher education), local government, business, associations, leadership organizations, non-profit youth leadership programs, economic development and other civic/community groups and other entities might work together to address the needs which may exist in the state related to the Commission report, possibly through a voluntary compact, consortium, or otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created a Joint Legislative Committee on Southern Leadership Goals. The committee shall consist of four members of the House of Representatives appointed by the Speaker of the House, and four members of the Senate, appointed by the President of the Senate. They shall designate the co-chairs. The President of the Senate and the Speaker of the House shall jointly appoint a citizen, who shall serve without compensation as a non-voting secretary and resource to the committee.

2. The committee shall study the recommendations related to leadership development and support as made by the 1992 and 1986 Commissions on the Future of the South. It shall make any recommendations it deems necessary to this session of the Legislature with respect to ways and means by which Alabama might address this goal, whether by a voluntary public/private compact, partnership, consortium, or otherwise. Prior to making its recommendation it shall, through its secretary, invite and compile comments and suggestions from various entities in the fields of education, state and local government, business, labor and professions, economic development, non-profit community leadership, youth leadership programs, other civic/community entities, and other interested persons. In its discretion, it may convene an advisory meeting of representatives from the above entities, and may invite, and pay, reasonable expenses of the chairperson of

the 1992 or 1986 Commissions on the Future of the South to speak to the committee and to the advisory meeting related to the rationale of the Commission recommendations. The committee shall endeavor to complete its work and make its report, and recommendations if any, at the earliest practicable date in this session, and the committee shall cease to exist on the sine die adjournment of the 1994 Regular Session.

3. The committee may incur expenses, including any reasonable expenses of the invited speaker, costs of mailing and materials related to an advisory meeting, preparation of report(s), and any other reasonable and necessary expenses. The co-chairs of the committee shall approve the reimbursement of any state institution or agency for expenses authorized by them to be incurred on the committee's behalf. The total expenses of the committee shall not exceed \$5,000.

On motion of Senator Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

HJR 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

WHEREAS, this nation is witnessing an unprecedented era of violent crime, much of which is committed by juvenile offenders; and

WHEREAS, the state and local law enforcement agencies are overwhelmed by the epidemic of crime committed by juveniles; and

WHEREAS, the juvenile crime wave threatens the safety, health, and well-being of other juveniles and adults in this country, and also severely disrupts the educational process of our nation's schools; and

WHEREAS, the severity of this problem requires the involvement and leadership of the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature respectfully requests President Clinton, as commander-in-chief, to authorize the national guards of the various states to assist state and local law enforcement agencies in their efforts to combat crime committed by juvenile offenders.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent immediately to President Clinton for his consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Carns:

HJR 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

WHEREAS, former University of Alabama football coach Paul "Bear" Bryant is the winningest coach in Division 1 college football history; and

WHEREAS, Coach Bryant led his teams to six national championships; and

WHEREAS, Coach Bryant holds the record for most post season bowl appearances, most bowl wins and a number of other accomplishments unequaled before or since his coaching career ended in 1982; and

WHEREAS, Bear Bryant represents to all Americans a positive

can-do spirit of achievement, as exemplified by his life of accomplishments on and off the field; and

WHEREAS, Bear Bryant was a great American who personified the winning spirit and, as articulated by former President Reagan, "He lived what we strive to be."; and

WHEREAS, many sports heroes have been honored by the Postal Service by way of a commemorative stamp; and

WHEREAS, the Postal Service's ten-year waiting period for such an honor has expired since Coach Bryant passed away on January 18, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Postmaster General commission a stamp to be issued in honor of Coach Paul "Bear" Bryant as soon as practicable, and that the process to start or move forward consideration of such a stamp be begun this March, 1994, when the Citizen's Advisory Committee of the Postal Service next meets.

BE IT FURTHER RESOLVED, That the art and image that would appear on such stamp have input by the University of Alabama.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

HJR 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY.

WHEREAS, Davey Allison of Hueytown, Alabama, was one of our state's most well known and beloved personalities, who during his life represented Alabama in an exemplary manner; and

WHEREAS, the memory of Davey Allison in his home state continues; and

WHEREAS, on January 25, 1994, Texaco, U.S.A. wishes to make a donation to the State of Alabama in honor of the life of this fine young man; now therefore,

BE IT RESOLVED, That on January 25, 1994, at a time to be set by the presiding officer of each house, a joint session of the Legislature of Alabama shall convene for the purpose of commemorating Davey Allison Day and to receive a donation to the state from Texaco, U.S.A. in remembrance of Mr. Allison.

BE IT FURTHER RESOLVED, That we respectfully invite Governor James E. Folsom, Jr., to attend this joint session so that he may join the Legislature in honoring the family of Mr. Allison.

RESOLVED FURTHER, That copies of this resolution be forwarded to Governor Folsom, the family of Mr. Allison, and Texaco, U.S.A.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 31. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 13, 1994, they adjourn to meet again on Tuesday, January 18, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 31, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Goodwin:

HJR 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

Also:

By Rep. Parker (T):

HJR 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

Also:

By Rep. Gaston:

HJR 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

Also:

By Rep. Gaston:

HJR 11. COMMENDING ROBERT J. WILLIAMS FOR OUT-

STANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE
COMMUNITY.

Also:

By Rep. Gaston:

HJR 12. COMMENDING UNITED STATES AIR FORCE
MAJOR GENERAL NORA A. ASTAFAN.

Also:

By Rep. Morrow:

HJR 13. COMMENDING SHANE CLACK OF VINA HIGH
SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

Also:

By Rep. Layson:

HJR 14. COMMENDING PAUL ROBERTSON FOR EX-
TRAORDINARY HEROISM.GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Ellis, the Rules were suspended and the Resolution, HJR 5, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Foshee, the Rules were suspended and the Resolutions, HJR's 9, 10, 11, 12, 13, and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Kvalheim:

HJR 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF
MOBILE, ALABAMA.

Also:

By Rep. Kvalheim:

HJR 17. MOURNING THE DEATH OF STEWART THAMES
OF MOBILE, ALABAMA.

Also:

By Reps. Kvalheim and Gaston:

HJR 18. MOURNING THE DEATH OF DAVID D. ROBERTS
OF MOBILE, ALABAMA.

Also:

By Rep. Butler:

HJR 19. MOURNING THE DEATH OF WILLIS VINCENT
BELL OF MONTGOMERY, ALABAMA.

Also:

By Rep. Butler:

HJR 20. MOURNING THE DEATH OF WALKER TUCK OF
HARVEST, ALABAMA.

Also:

By Reps. Butler, Turnham, and Venable:

HJR 21. COMMENDING COACH TERRY BOWDEN OF
AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Zoghby:

HJR 22. COMMENDING BOB KIRBY OF MOBILE, ALA-
BAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolutions, HJR's 16, 17, 18, 19, 20, 21, and 22, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 203. To amend Section 40-25-5, Code of Alabama 1975, to ensure that the seven and one-half percent discount granted for the affixation of tobacco stamps shall not be applicable to county tobacco stamps.

By Senator Corbett:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority and the Russell Count Water Authority from the levy of the tax.

By Senator Corbett:

S. 263. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 56. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of a insolvent insurer.

By Senator Foshee:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

By Senator Smith (J):

S. 102. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Windom and Ellis:

S. 2. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or disability.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 7. To amend Sections 13A-6-20 and 13A-6-22, Code of Alabama 1975, to make the crime of assault on a peace officer a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

By Senator Smith (J) (With Amendment):

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting or trapping, in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 63. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one gov-

ernmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

By Senator Denton:

S. 24. To provide for the “Alabama Local Government Training Act”; to provide for legislative intent; to provide for definitions; to provide that elected members of county commissions attend a course of training and education on local government matters; to provide for the payment of expenses from public funds; to establish the Alabama Local Government Training Institute; to provide for dates of the course of training and education; to provide for a board of directors of the institute; and to provide for procedures relative to the administration of the institute.

By Senator Denton:

S. 58. Proposing an amendment to the Constitution of Alabama of 1901, to provide certain county ad valorem tax officials may participate in the Employees’ Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system.

The above Bill was read a second time at length as required by the Constitution.

By Senator Denton:

S. 59. To establish the Board of Electrical Inspections and an Electrical Division within the Alabama Department of Labor; to provide for the certification and recertification of those performing electrical work within the scope of the National Electrical Code; to provide for standards and the inspection of electrical work; to provide for exceptions; and to provide penalties for practicing without; and to provide for the collection of fees.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

S. 60. To amend Sections 40-6-1, 40-6-3, and 40-6-4, Code of Alabama 1975, relating to supernumerary tax assessors, tax collectors,

2nd Day

revenue commissioners, and license commissioners, to provide for an increase in compensation; to provide further for the method of determining the compensation; to increase the contribution paid by the officials to the supernumerary program; to provide for future increases in compensation and the compensation of surviving spouses of those officials; and to repeal Sections 40-6-5, 40-6-7, and 40-6-8, Code of Alabama 1975.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, Dial, Bolling, Barron, Mitchem, Ellis, Windom, Hill, and Waggoner:

S. 108. To provide for the offense of making false statements to obtain workers' compensation benefits.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Amendments):

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Substitute):

S. 101. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Sections 17-4-189, 17-4-211, and 17-4-214 of the Code of Alabama 1975, to transfer the Office of Voter

Registration to the Secretary of State's office and provide for certain additional personnel in the office; to provide further for the time for reidentifying and registering electors prior to an election; to provide for a centralized system for voter registration under the Secretary of State and for dissemination of information on voter registration under certain conditions and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 110. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof until approved by an ordinance enacted, or by a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; to provide for exceptions; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

The above Bill was read a second time at length as required by the Constitution.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 4. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between

a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

By Senator Hale:

S. 5. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

RESOLUTION

Senator Escott-Russell offered the following Senate Joint Resolution, to-wit:

SJR 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee to Study Mass Transit be allowed to extend the time for said committee to report until the fifteenth legislative day of the Regular Session of 1994.

On motion of Senator Escott-Russell, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Martha Simms Rambo to the University of Alabama Board of Trustees

REGULAR SESSION
2nd Day

147

On motion of Senator Smith (J), the election of Ms. Rambo was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of Cleophus Thomas, Jr. to the University of Alabama
Board of Trustees

On motion of Senator Foshee, the election of Mr. Thomas was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Election and ordered same returned to the Senate with a favorable report, to-wit:

Election of John Russell Thomas to the University of Alabama Board
of Trustees

On motion of Senator Little, the election of Mr. Thomas was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner -25

Nays:

- 0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Bettye R. Maye from York, Alabama to serve as a member of the University of South Alabama Board of Trustees. She will be replacing Aubrey Green and her term will expire October 20, 2005.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Foshee, the appointment of Ms. Maye, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon,

Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner -25

Nays: - 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Honorable Herman Thomas from Mobile, Alabama to serve as a member of the University of South Alabama Board of Trustees. He will be filling the unexpired term of Dr. James Herring and his term will expire September 30, 2001.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Windom, the appointment of Mr. Thomas, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey,

Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and
Waggoner -25

Nays: - 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. James Bailey from Hanceville, Alabama to serve as a member of the Alabama Alcoholic Beverage Control Board. He will be replacing Mr. Nasief Joe Rookis who has resigned, and his term will expire January, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Hale, the appointment of Dr. Bailey, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner -25

Nays: - 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Charles H. Morris, III from Selma, Alabama to serve as a member of the Alabama Commission on Higher Education. He will be replacing Charles F. Horton and his term will expire August 31, 2002.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Foshee, the appointment of Mr. Morris, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Rosemary Elebash from Montgomery, Alabama to serve as a member of the Alabama State Board of Human Resources. She will be replacing Henry King, and her term will expire August 28, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Corbett, the appointment of Ms. Elebash, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have reappointed, subject to your confirmation, Kay Miller from Montgomery, Alabama to serve as a member of the Alabama State Board of Human Resources. Her term will expire August 28, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Foshee, the appointment of Ms. Miller, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert D. Keahey from Grove Hill, Alabama to serve as a member of the Livingston University Board of Trustees. He will be replacing Lea Pegues and his term will expire December 27, 2003.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Lindsey, the appointment of Mr. Keahey, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner
-25

Nays:

- 0

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Anthony L.

REGULAR SESSION
2nd Day

155

Barnes from Birmingham, Alabama to serve as a member of the Alabama Real Estate Commission. He will be replacing Leonard C. Wyatt and his term will expire September 30, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

And on motion of Senator Corbett, the appointment of Mr. Barnes, as amended, was confirmed, by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Waggoner -25

Nays:

- 0

MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Pursuant to the notice in writing previously given, I move that a new Rule 60 of the Senate be added to read as follows and renumber subsequent Senate Rules accordingly:

“Rule 60. Unless approved by a two-thirds vote of the members of the Senate, a Committee on Conference report on a bill may not be approved until the legislative day after the legislative day on which the committee reported.”

Which was read and referred to the Standing Committee on Rules.

BILL RE-REFERRED

Senator Mitchell, Chairperson of the Standing Committee on Gov-

ernmental Affairs/State Administration, reported that said committee, in session, had acted on the Bill, SB 115, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, SB 115, re-referred to the Standing Committee on Governmental Affairs/Local Government.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

And the Speaker has appointed as a committee on the part of the House, Reps. Zoghby, Letson, and Perdue.

Also:

SJR 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

And the Speaker has appointed as a committee on the part of the House, Reps. Zoghby, Letson, and Perdue.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

GREG PAPPAS,
Clerk.

ADJOURNMENT

At 12:30 P.M., on motion of Senator Lindsey, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 18, 1994, at 4 o'clock P.M.

THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 18, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Walter Owens, Twenty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jamie Guy, Robert E. Lee High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -32

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Dixon, Mitchell, and Mitchem for today.

RECESS

At 4:10 P.M., on motion Senator Foshee, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 4:20 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried.

**REPORT OF THE JUDICIAL COMPENSATION COMMISSION TO THE
1994 REGULAR SESSION OF THE ALABAMA LEGISLATURE**

The State Judicial Compensation Commission met on January 7, 1994 in Montgomery, Alabama and hereby files its report to the 1994 Regular Session of the Legislature of the State of Alabama.

The Commission is aware of the disparity in the compensation of state judges caused by local supplements which range from zero to 45 percent of the state base pay. We report to the legislature that a committee is currently studying this problem in order to recommend to this Commission a means by which this disparity can be rectified and the salaries of all state judges can be equalized within each rank of the judiciary.

The Commission has considered the matter of recommending the salary to be paid from the state treasury for all judges except probate and municipal judges. We note that the last judicial salary increase was enacted in 1990 and further note that judges do not receive merit or step pay increases nor did judges receive the one-time bonus awarded state employees at the 1993 Regular Session.

It is therefore recommended to the legislature that the salaries of justices of the Supreme Court and the judges of the appellate and district courts, which are paid from the state treasury, be fixed as heretofore designated by Act 111 of the 1990 Regular Session of the Alabama Legislature; and that the salaries of the circuit court judges to be paid from the state treasury be fixed as follows:

Circuit Court Judges

\$72,500 plus whatever percentage increase or upward pay adjustment is enacted for state employees generally at the 1994 Regular Session of the Legislature of the State of Alabama. This salary shall become effective on October 1, 1994.

Adopted by the affirmative vote of the below named members of the State Judicial Compensation Commission.

CHAS. R. ADAIR, JR.,
Chairman.

FINIS E. ST. JOHN, IV

WILLIAM C. THOMPSON

BROOX G. GARRETT, JR.

Which was read and ordered filed with the Secretary.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 327. To further regulate public utilities; to treat as reportable financial results used for establishing noncompetitive monopoly consumer rates, all revenues, expenses, and investment derived from Yellow Pages advertising, including affiliated companies' revenues, expenses, and investment derived in or from the State of Alabama, as well as other related products and services exchanged between affiliated companies; to require the Public Service Commission to take appropriate action to provide for refunds to consumers as outlined in the July 23, 1991, proposed order, and for treble damages from the effective date of the violation (April 3, 1987).

Committee on Commerce,
Transportation, and Utilities

By Senator Foshee:

S. 328. To revise the present bail system, by specifically defining the types of bond and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a secure form of property bond; to establish laws that ensure speedy release on bond; to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bond; to expressly repeal Act No. 93-677, S. 422, 1993 Regular Session, now appearing as Sections 15-13-100 to 15-13-164, inclusive, Code of Alabama 1975, Sections 15-13-61, 15-13-62, 15-13-63, 15-13-81, and 15-13-82, Code of Alabama 1975, and Act No. 93-901, S. 25, 1993 First Special Session; and to amend Section 15-13-80, Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Windom:

S. 329. To amend Sections 9-12-54.1, 9-12-54.2, 9-12-54.3, 9-12-54.4, 9-12-54.5, 9-12-54.6, 9-12-54.7, and 9-12-93 by regulating further bait shrimpers, as to poundage, location of shrimp catches, and licensing restrictions.

Committee on Agriculture,
Conservation, and Forestry

By Senator Windom:

S. 330. To regulate the insurance industry and to establish the crime of fraudulent insurance practices; to provide for unfair practices relating to advertising, certain solicitations, endorsements, and the use of other inducements by the insurance industry; to require truthful advertising and certain disclosure of benefits, sponsorship, and other pertinent information for the policyholder or applicant; to provide for misdemeanor criminal penalties; and to construe this act with insurance laws regulating rebates and special inducements.

Committee on Banking
and Insurance

By Senator Windom:

S. 331. To require that certain persons employed as insurance

agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; and to provide certain exceptions.

Committee on Banking
and Insurance

By Senator Windom:

S. 332. To amend Section 37-14-3, Code of Alabama 1975, relating to insurable interest in personal insurance contracts, to further provide for the insurable interest of a corporation and related legal entities of a corporation in the directors, officers, and employees of the corporation under certain conditions and to further provide for the insurable interest of certain charitable institutions as defined by the Internal Revenue Code in the life of a donor.

Committee on Banking
and Insurance

By Senator Windom:

S. 333. Providing for a retirement incentive pilot program for certain state merit system employees of the Alabama State Docks Department; providing financing for a retirement incentive allowance; and authorizing the Governor to extend the retirement incentive program to other departments and agencies of state government if the pilot program at the state docks is determined to be successful.

Committee on Finance
and Taxation

By Senator Parsons:

S. 334. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

Committee on Finance
and Taxation

By Senator Parsons:

S. 335. To amend Section 36-30-21 of the Code of Alabama 1975, relating to compensation for disability or death of municipal police

officers; to extend the coverage of benefits for the death or disability of municipal police officers when any municipality elects workers' compensation coverage.

Committee on Business
and Labor Relations

By Senator Langford:

S. 336. To authorize any custodial parent, guardian, and/or the Department of Human Resources to bring a civil action to establish an order of past due support for a minor child or children for any period in which a parent had an obligation to provide support and failed to do so.

Committee on Judiciary/Civil

By Senator Underwood (With Notice and Proof):

S. 337. Relating to Jefferson County; to amend Section 18 of Act No. 248, H. 580 of the 1945 Regular Session (Acts 1945, p. 376), as last amended by Act No. 89-467, H. 541 of the 1989 Regular Session (Acts 1989, p. 967), relating to creating and establishing a countywide civil service system; to provide for additional names to be certified for vacancies in the classified service.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 337, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Lindsey:

S. 338. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

Committee on Judiciary/Civil

By Senator Hale:

S. 339. To amend Section 44-1-26 of the Code of Alabama

1975, relating to the Youth Services Department salary subsidies for probation services; to revise the allocation of juvenile probation officers salary subsidies; to provide further for minimum standards for certification of juvenile probate officers; and to provide an appropriation.

Committee on Finance
and Taxation

By Senator Langford:

S. 340. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Owens:

S. 341. To amend Section 41-9-252, Code of Alabama 1975, to provide for an executive director, assistant director, and staff to perform educational, promotional, and fund-raising functions relating to the Old Cahaba Capitol Site.

Committee on Finance
and Taxation

By Senator Waggoner (With Notice and Proof):

S. 342. Relating to Jefferson County; to provide for the taxing and collecting of additional court costs in the Birmingham Division of the Tenth Judicial Circuit of Alabama to provide additional funding over and above those court costs currently taxed and collected pursuant to Section 11-25-1, et seq., Code of Alabama 1975, which such additional court costs shall provide for the additional establishment, maintenance, operation and financing of the public law library in Jefferson County, Alabama located in or near the Birmingham Division Courthouse; to designate those officers and persons as having the duty and authority to collect and administer said funds.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB

342, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Waggoner (With Notice and Proof):

S. 343. Relating to Jefferson County; authorizing the Pension Board of the General Retirement System for Employees of Jefferson County to establish rules and regulations to authorize former members of the Pension System who withdrew from the Pension System under the authority provided by subsection (e) of Section 13 of Act No. 497, H. 1057, 1965 Regular Session (Acts 1965, p. 717), as amended by Act No. 81-1060, H. 9, 1981 Second Special Session (Acts 1981, p. 305), a one-time opportunity to rejoin the Pension System as a new member and without credit for any previous paid time or previous unpaid time in the Pension System; repealing Act No. 93-927, H. 52, First Special Session (Acts 1993, p. ____).

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 343, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hale:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

Select Committee on
Fiscal Responsibility

By Senator Waggoner:

S. 345. To amend Section 6 of Act No. 93-604, S. 367 of the 1993 Regular Session, to provide for a cost of living increase to certain retirees of the Employees' Retirement System who retired from the Board of Health in any county having a certain population.

Committee on Finance
and Taxation

By Senator Waggoner:

S. 346. To exempt Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Waggoner (With Notice and Proof):

S. 347. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Hoover in Jefferson County.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 347, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures:

S. 348. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary judges.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 349. To provide for inverse condemnation civil actions as an additional remedy and method of relief for owners of real property in the state the value of which is diminished as a result of state and local governmental regulation; to provide that the state, as well as municipalities and counties, or other agencies, develop and observe certain guidelines in promulgating or implementing regulatory programs to minimize the likelihood of inverse condemnation payments by governmental units in the state; to provide for a statute of limitations for inverse condemnation actions authorized hereby and for the award of certain costs to plaintiffs; and to provide for appropriate adjustments to appraised values for ad valorem tax purposes.

Committee on Agriculture,
Conservation, and Forestry

By Senators Horn, Escott-Russell, Ghee, Waggoner, and Owens:

S. 350. To grant to all peace officers, whether state, county, municipal, or specially appointed under constitutional or statutory authority whose duties include the enforcement of state criminal laws certain immunity from civil liability given to all or any other state officers, specifically including sheriffs and their deputies.

Committee on Judiciary/Civil

By Senator Horn:

S. 351. To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Omnimax Discovery 2000 for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senators Horn, Escott-Russell, Ghee, Waggoner, and Owens:

S. 352. To amend Section 11-47-190, Code of Alabama 1975, relating to liability of municipalities to grant immunity from lawsuit to municipalities when the municipality or its employees, officers, or agents are performing in a governmental or discretionary function.

Committee on Judiciary/Civil

By Senator Waggoner:

S. 353. To establish the Alabama Clean Indoor Air Act; and to prohibit smoking in certain public places.

Committee on Health

By Senator Horn:

S. 354. To amend Section 11-99-6, Code of Alabama 1975, as amended, to authorize the pledge of the increase in other revenue and fees, in addition to property taxes, resulting from development in a tax increment district.

Committee on Governmental
Affairs/Local Government

By Senator Sanders:

S. 355. To create the Health Care Reform Act of 1994; to provide for a health care delivery network system and the promulgation of regulations by the Department of Human Resources; to create the Alabama Board of Family Health Care Providers, and to provide for fees and the qualifications and duties of the midlevel health care practitioners; to provide for linkage agreements, and the scope of medical care payable by the Department of Human Resources; to provide for participation of pregnant women and certain children in the Alabama Medical Assistance Program; to increase reimbursement to physicians and dentists providing services to Medicaid recipients; to provide for the development of a Center of Excellence for Rural Health Care by the University of Alabama in Birmingham and recruitment and placement of physicians by the university; to increase the number of registered nurses; to provide for an employer tax credit for health insurance; to provide for student health insurance; to provide for a uniform claim form for reimbursement; to create a Health Care Trust, a Hospital Indigent Care Trust Fund, and distribution of the funds; to establish a long-term-care case management demonstration program in the Department of Human Resources; to provide for the construction of certain health care facilities; and to provide for appropriations.

Committee on Health

By Senator Smith (J):

S. 356. Relating to the operation of county work release programs and amending Section 14-8-31, Code of Alabama 1975, to remove certain persons from eligibility in county work release programs.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Floyd:

S. 357. To make an appropriation from the Alabama Special Educational Trust Fund to the Quest For Excellence Education Program of the City of Gadsden for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Wilson:

S. 358. To provide that the attorney representing the IV-D

agency in a support enforcement action brought by the Department of Human Resources represents the State of Alabama only, that no attorney-client relationship exists between the agency client and the IV-D attorney, and that in a IV-D action, the IV-D attorney is only authorized to represent and address support issues.

Committee on Judiciary/Civil

By Senator Smith (B):

S. 359. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

Committee on Education

By Senator Underwood (With Notice and Proof):

S. 360. Relating to Jefferson County, regulating the operation of tanning facilities and prescribing criminal and administrative penalties.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 360, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Underwood (With Notice and Proof):

S. 361. Relating to Jefferson County; regulating persons practicing the art of tattooing; and prescribing criminal and administrative penalties.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 361, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial (With Notice and Proof):

S. 362. Relating to Clay County; to further provide for the use of the Public Highway and Traffic Fund for the payment of the salaries and automobile expense of deputy sheriffs.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 362, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bailey:

S. 363. To make an appropriation from the Alabama Special Educational Trust Fund to the Wiregrass Museum of Art for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Bailey:

S. 364. Providing protection from certain unfair trade practices for certain producers of certain agricultural products; providing for accreditation of certain associations to bargain for contract negotiations for the producers; providing for mediation of contract disputes between producers and integrators by a mediation panel as provided for in the act; authorizing the Commissioner of Agriculture and Industries to administer and enforce this act using certain investigative powers and providing for certain criminal penalties and civil remedies for violations.

Committee on Agriculture,
Conservation, and Forestry

By Senators Wilson, Campbell, Owens, Bolling, Dial, Little, Lindsey, Foshee, Hale, Ellis, Corbett, Underwood, Amari, Escott-Russell, Horn, Figures, Sanders, Parsons, and Langford:

S. 365. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of

the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

Committee on Energy and
Natural Resources

By Senator Escott-Russell (With Notice and Proof):

S. 366. Relating to Jefferson County; providing that the sheriff may employ a confidential secretary; providing for the compensation, benefits, and employment status of a confidential secretary; and prohibiting a confidential secretary from seeking an elected county office.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 366, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Foshee:

S. 367. To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the members of the Public Service Commission so as to further provide for the compensation of the members of the Public Service Commission and to provide for a method of periodically reviewing the salaries of the members of the Public Service Commission by the State Personnel Board, for a recommendation to the Governor concerning the salaries, and for either an approval or disapproval of a salary increase by the Governor.

Committee on Commerce,
Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

3rd Day

SJR 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

Also:

SJR 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

Also:

SJR 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

Also:

SJR 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

HJR 3. INVITATION FOR JOINT ADDRESS.

Also:

HJR 7. URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 5. CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

Also:

HJR 6. CALLING ON THE UNITED STATES POSTAL SERVICE TO ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH PAUL "BEAR" BRYANT.

Also:

HJR 8. REQUESTING PRESIDENT CLINTON TO AUTHORIZE STATE NATIONAL GUARDS TO ASSIST STATE AND LOCAL LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

Also:

HJR 9. COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

Also:

HJR 10. COMMENDING CONSTANCE H. KELLEY OF MOBILE, ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

3rd Day

Also:

HJR 11. COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

Also:

HJR 12. COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

Also:

HJR 13. COMMENDING SHANE CLACK OF VINA HIGH SCHOOL, RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

Also:

HJR 14. COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

Also:

HJR 15. CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY.

Also:

HJR 16. COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

Also:

HJR 17. MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

Also:

HJR 18. MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

Also:

HJR 19. MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

3rd Day

Also:

HJR 20. MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

Also:

HJR 21. COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 22. COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

Also:

HJR 31. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTIONS

Senator Denton offered the following Senate Joint Resolution, to-wit:

SJR 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

WHEREAS, in 1958, Rick Hall founded Florence Alabama Music Enterprises, FAME Studios in the Muscle Shoals area, the first professional music recording facility in Alabama; and

3rd Day

WHEREAS, from these humble beginnings, the music industry in Muscle Shoals has grown into a business producing five million dollars (\$5,000,000) annually, and currently employs 565 artists, songwriters, engineers, and producers; and

WHEREAS, the Muscle Shoals area music recording studios have struggled and prospered in this highly competitive industry including New York, Nashville, Los Angeles, and other locations to become a major force in the industry; and

WHEREAS, in 1961, FAME Studios moved to its present location at 603 Avalon Avenue, Muscle Shoals, Alabama; and

WHEREAS, of the approximately 5,000 recordings engineered at FAME, 18 have been ranked as number one hits, 31 have been top five hits, and 45 have been top ten hits; and

WHEREAS, FAME Studios deserves recognition in the history of the state's music recording industry, having become an institution within the industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and designate FAME Studios at 603 Avalon Avenue, Muscle Shoals, Alabama, as Alabama's First Music Recording Studio, and that we urge the Alabama Historical Commission to assist in having FAME nominated as a national landmark in recognition of its impact on the history of the music recording industry.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rick Hall of FAME Studios and the Alabama Historical Commission.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Floyd offered the following Senate Joint Resolution, to-wit:

SJR 15. HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Judi Sheppard Missett, founder, president, and chief executive officer of Jazzercise, Inc.; and

WHEREAS, Mrs. Missett, a prominent figure in the development and growth of the aerobic dance industry, is founder of Jazzercise, Inc., a concept she envisioned in 1969 and developed into an international dance company with franchises throughout the U. S. and abroad; and

WHEREAS, over the years, her contributions to the industry have been extraordinary; among these, she has authored a number of fitness books, produced numerous exercise programs, fitness classes, and fitness videos, and hosted industry-wide fitness conventions, symposiums, and trade shows; and

WHEREAS, Mrs. Missett has also provided leadership and support to her profession as a member of countless organizations including the President's Council on Physical Fitness, and special advisor for the California Governor's Council on Physical Fitness and Sports, and has served her community as fundraiser, fitness advocate, and in many other capacities; and

WHEREAS, throughout her career, her accomplishments have been recognized by such honors as the McCredie Award from the Leukemia Society (1993), IDEA Fitness Hall of Fame Award (1992), and Lifetime Achievement Award (1991); and

WHEREAS, Mrs. Missett, received her B. A. degree from Northwestern University in speech, radio, television and dance; performed as a professional dancer; and studied and performed under jazz dance master, Gus Giordano and other dance masters in New York and Chicago; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Judi Sheppard Missett of Carlsbad, California, for whom a copy of this resolution shall be provided.

On motion of Senator Floyd, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

SJR 16. COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of com-

3rd Day

mendation, recognizes Thomas Moore for his outstanding contributions and achievement in the field of space technology; and

WHEREAS, Thomas Moore, a retired U.S. Army engineer and radar expert with Redstone Arsenal in Huntsville, Alabama, was recognized January 25, 1993, at the U.S. Space and Rocket Center in Huntsville, when the U.S. Postal Service unveiled its latest panel of commemorative "space fantasy" stamps; and

WHEREAS, within this display of fantasy, the center stamp in the panel reveals two people flying in space wearing jet vests, an item which, in fact, Mr. Moore developed and tested; and

WHEREAS, Mr. Moore began work on the jet vest while working with Dr. Wernher von Braun's rocket program at White Sands Missile Range in 1946, and first tested the concept in 1952, two years after the rocket team relocated to Huntsville; Mr. Moore served as a member of a select group of scientists at the Massachusetts Institute of Technology prior to joining Dr. von Braun's rocket team at the close of World War II; he later served as one of the highest ranking civilians with the TMDE Support group at Redstone until his retirement several years ago; and

WHEREAS, Mr. Moore is indeed a man of vision, and the technology of his jet vest, which he patented, is incorporated into the manned maneuvering units used by astronauts today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and for his contributions to the U.S. Space Program, we hereby most highly commend Thomas Moore of Huntsville, Alabama, for whom a copy of this resolution shall be provided.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Layson (With Notice and Proof):

H. 55. Relating to the Twenty-fourth Judicial Circuit of Ala-

bama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 55, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Layson (With Notice and Proof):

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 57, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS

ATTACHED TO THE BILL, HB 95, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Gullatt (With Notice and Proof):

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 96, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 107. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 107, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 108. Relating to the Twenty-fourth Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery

division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; and to provide funding for the new Restitution Recovery Division.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 108, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Collins (With Notice and Proof):

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 112, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Dolbare (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 55, 57, 95, 96, 107, 108, 112, and 129 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J):

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 238 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, McDaniel, Butler, Carothers, Johnson, Flowers,

Hammett, Venable, Powell, Smith (C), Hill, Knight (A), Page, and Hooper:

HJR 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Auburn University Head Coach Terry Bowden is hereby most respectfully requested to appear before a joint session of the Alabama Legislature, at a time and date to be set at the earliest convenience of Coach Bowden.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives, by copy of this resolution, shall advise Coach Bowden of this invitation and of our hopeful anticipation of his acceptance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

HJR 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

WHEREAS, First Sergeant Charles Manley Clack entered the Alabama National Guard in 1954 during the construction of the present armory; and

WHEREAS, he served in Company B, First Battalion, 167th Infantry; and

WHEREAS, since that time Sergeant Clack has served in: Com-

pany B, Second Battalion, 200th Infantry; Battery A, Second Battalion, 117th Field Artillery; and Detachment 2, 123rd Supply and Service Company; and

WHEREAS, Sergeant Clack became a full-time duty Technical and Administrative Supply Technician in 1966; and

WHEREAS, Clack was promoted to First Sergeant in 1975; and

WHEREAS, First Sergeant Clack currently serves as Administrative Supervisor of the Alabama Military Academy at Fort McClellan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Guard Armory in Roanoke, Alabama, be named the "Charles Manley Clack Armory."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to First Sergeant Charles Manley Clack.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 41, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Richardson, Starkey, Hamilton, Carter, Goodwin, and Black (M):

HJR 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

Also:

By Rep. Cosby:

HJR 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

Also:

By Rep. Hill:

HJR 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

Also:

By Rep. Morton:

HJR 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

Also:

By Rep. McClain:

HJR 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

Also:

By Reps. Kennedy and Buskey:

HJR 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolutions, HJR's 33, 34, 35, 38, and 40, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Senator Dial, the Rules were suspended and the Resolution, HJR 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senators Little, Corbett, Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

WHEREAS, Representative G. J. "Dutch" Higginbotham has served the people of Alabama in the House of Representatives and in the State Senate in a distinguished and dedicated manner; and

WHEREAS, Representative Higginbotham's legislative acumen, diligence, and hard work have resulted in improved governmental services and facilities for his constituents in House District 80; and

WHEREAS, Dutch Higginbotham played a significant role in the decision to four-lane and improve Highway 280 from Opelika to Phenix City, a public project that will provide increased safety and convenience to the people of East Alabama; and

WHEREAS, it is highly proper that the Legislature of Alabama recognize the earnest efforts of Representative Higginbotham in improving the quality of life of the citizens of Alabama and in particular those residents of House District 80 in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 280 between Opelika and Phenix City shall be named, designated, and forever known as the "G. J. 'Dutch' Higginbotham Highway."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Representative Higginbotham as a memento of this honorary designation by the Legislature of Alabama.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Laird:

HJR 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 42, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Senator Sanders offered the following Senate Joint Resolution, to-wit:

SJR 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

WHEREAS, each of us must take immediate responsibility for our personal health; and

WHEREAS, we often pursue priorities other than our personal health; and

WHEREAS, our personal health is vital for our individual lives and fundamental to our family health and our community health; and

WHEREAS, every person should eat healthfully, drink healthily, exercise vigorously, get medical attention, and take reasonable preventive health steps; and

WHEREAS, the Legislature desires that every church, organization, and group encourage personal health development; and

WHEREAS, the Legislature finds that a declaration of 1994 as Personal Health Year in Senate District 23 which includes Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox will foster greater personal health; and

WHEREAS, the Legislature encourages county commissions, municipalities, boards of education, and other government agencies in District 23 to declare 1994 as Personal Health Year in Senate District 23; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated Personal Health Year in Senate District 23, and that a copy of this resolution be provided to each county commission, board of education and municipality in District 23.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then offered the following Senate Joint Resolution, to-wit:

SJR 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

WHEREAS, violence is increasing in our communities in Senate District 23 which includes communities in Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox Counties; and

WHEREAS, this violence is destructive to our communities in many ways; and

WHEREAS, the residents of District 23 must deal with the violence to save our communities from destruction from within; and

WHEREAS, the residents of District 23 often totally depend on law enforcement and governmental agencies to deal with violence in their communities; and

WHEREAS, each resident has a responsibility and duty to assist our government and each other in dealing with violence in our communities; and

WHEREAS, the Legislature desires to assist in the prevention of violence in Senate District 23, by focusing positive attention on methods to stop violence; and

WHEREAS, it is necessary that every individual in District 23 refrain from violence; and

WHEREAS, every church, organization, and group in District 23 should determine and implement ways that residents may individually and collectively help prevent violence in their communities; and

WHEREAS, it is fitting and proper that the Legislature declare 1994 as Anti-Violence Year in Senate District 23; and

WHEREAS, the Legislature urges every county commission, board of education, municipality and governmental agency in Senate District 23, which includes Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox Counties, to declare 1994 as Anti-Violence Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated Anti-Violence Year in Senate District 23, and that a copy of this resolution be provided to each county commission, board of education, and municipality in District 23.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Bailey moved that when the Senate adjourns today, it adjourn to meet again on Thursday, January 20, 1994, at 9 o'clock A.M., which motion was adopted.

REPORTS OF COMMITTEES

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

S. 266. To amend Section 10-2A-221(a), Code of Alabama

1975, relating to the authority of a foreign corporation to act as a fiduciary in Alabama; to permit a foreign corporation to act in certain fiduciary capacities without qualifying to do business in Alabama, provided that the foreign corporation's home state grants authority to an Alabama corporation to serve like fiduciary capacities; to add the terms "personal representative" and "conservator" to the list of types of fiduciaries; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 267. To permit the State of Alabama and its agencies, boards, commissions, and departments, and county boards of education, city boards of education, the State Insurance Fund, the State Employees' Retirement System, the Teachers' Retirement System, and various other political subdivisions, institutions of higher learning, instrumentalities, and public corporations to invest their funds either directly or through an account relationship established with certain banks, savings and loan associations, and trust companies in securities of or other investments in the investments allowed under current law for counties and municipalities pursuant to, and subject to the provisions of, Section 11-81-21; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

By Senator Owens:

S. 288. To amend Section 27-14-3 of the Code of Alabama 1975, to specify that charitable organizations have an insurable interest in the life of any individual under certain conditions and to provide that this act is declaratory of existing law.

By Senator Foshee:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to

charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

By Senator Foshee:

S. 295. Relating to surplus lines insurance; to provide for the regulation of surplus lines insurance transactions with insurers who are not licensed to do business in this state by increasing the bond requirements of surplus lines brokers and by increasing the minimum financial condition of eligible surplus lines insurers; and to amend Sections 27-10-24 and 27-10-26, Code of Alabama 1975.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hill:

S. 285. Relating to Talladega College, granting certain persons employed by the college certain police powers, amending Section 16-22-1, Code of Alabama 1975.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof):

S. 70. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

By Senator Mitchell (With Notice and Proof):

S. 88. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Barron, Dial, Lindsey, Mitchem, Windom, Smith (J), Waggoner, Bolling, Dixon, Horn, Ellis, Langford, Foshee, Bailey, Mitchell, Owens, Escott-Russell, Figures, and Sanders:

S. 318. To authorize the merger of Wallace State Community College at Hanceville with the Auburn University System; and to provide for the property and personnel of the college.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 233. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Gadsden for the Quest for Excellence Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Gadsden for the Quest for Excellence Education Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Waggoner:

S. 95. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute):

S. 125. To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for four pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 232. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to Etowah County for the Youth Symphony Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Etowah County for the Youth Symphony Education Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 231. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the City of Valley for the Community Theatre Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Valley for the Community Theatre Education Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 230. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Department of Youth Services for Children's Harbor for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Department of Youth Services for Children's Harbor for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 229. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Volunteers of Clay, Randolph and Chambers Counties for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Volunteers of Clay, Randolph and Chambers Counties for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 228. To repeal the appropriation made by Act No. 93-789

of the 1993 Regular Session to the Pickens County Board of Education for the Prisoner of War Museum for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Pickens County Board of Education for the Prisoner of War Museum to be used for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 227. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Alabama Public School and College Authority for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Public School and College Authority for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 226. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Phenix City - Russell County Council for Abused and Neglected Children Education Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 225. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Opelika City Board of Education for the Opelika Arts Council for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Opelika Arts Council for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 224. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain legislative delegations and delegation offices for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those legislative delegations and delegation offices for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 223. To repeal the appropriation made by Act No. 93-789

of the 1993 Regular Session to the City of Dothan for the Wiregrass Museum of Art Education Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the City of Dothan for the Wiregrass Museum of Art Education Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 222. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Daughters of the American Revolution School for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Daughters of the American Revolution School for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 221. To repeal the appropriation made by Act No. 93-789 of the 1993 Regular Session to the Cherokee County Dixie Youth Program for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Cherokee County Dixie Youth Program for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 220. To repeal the appropriation made by Act 93-789 of the 1993 Regular Session to the Alabama Music Hall of Fame Research Library for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to the Alabama Music Hall of Fame Research Library for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 219. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain local governments for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those local governments for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 218. To repeal the appropriations made by Act No. 93-789

3rd Day

of the 1993 Regular Session to certain public libraries for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public libraries for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 217. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to Parent-Teacher Associations of certain public schools for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to Parent-Teacher Associations of those public schools for educational purposes for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 216. To repeal the appropriations made by Act No. 93-789 of the 1993 Regular Session to certain public educational entities for general public educational purposes for the fiscal year ending September 30, 1994 and to reappropriate those funds to those public educational entities for public educational purposes to include, but not limited to, capital improvements, library acquisitions, equipment purchases, transportation, renovations and operations and maintenance for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 147. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 146. To make an appropriation from the Alabama Special Educational Trust Fund to the University of Alabama at Birmingham for the establishment of an Athletic Trainers Program for the Birmingham Public Schools Athletic Department for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 145. To make an appropriation from the Alabama Special Educational Trust Fund to the Birmingham Board of Education Athletic Department for the restoration and preservation of the Rickwood Field Baseball Park for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 124. To amend Section 41-17-1, Code of Alabama 1975, by prohibiting the purchase of certain optional equipment on state-owned vehicles; to prohibit the purchase or lease of automotive vehicles, except for emergency purposes; and to provide exemptions.

By Senator Sanders:

S. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

By Senator Horn:

S. 127. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1994.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 5. HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

Also:

SJR 6. DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

Also:

SJR 7. COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

Also:

SJR 8. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 172 - to the Committee on Finance and Taxation

ADJOURNMENT

At 5:30 P.M., on motion of Senator Corbett, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, January 20, 1994, at 9 o'clock A.M.

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 20, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend James Carpenter, Minister, First United Methodist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Katherine Dixon, The Montgomery Academy, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson -32

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Mitchem, Smith (B), and Windom for today.

RECESS

At 9:10 A.M., on motion of Senator Foshee, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 10:10 A.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

MOTION TO ADJOURN

Senator Hale moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, January 25, 1994, at 9 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Ghee:

S. 368. To amend Section 13A-6-2 of the Code of Alabama 1975, relating to murder; to provide that a person commits murder if while driving a vehicle or operating a watercraft under the influence of certain substances the person causes the death of another person.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Foshee:

S. 369. To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other

listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Bolling:

S. 370. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

Committee on Governmental
Affairs/State Administration

By Senator Bolling:

S. 371. To exempt the Weldy Home for Children, Inc., from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senators Owens, deGraffenried, Waggoner, Smith (J), Windom, Lipscomb, Smith (B), Foshee, Hill, Ellis, Dial, Barron, and Mitchem:

S. 372. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evalu-

ation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Committee on Business
and Labor Relations

By Senator Langford:

S. 373. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than five circuit judges; and to repeal Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

Committee on Judiciary/Civil

By Senators Dial, Hale, Dixon, Barron, and Waggoner:

S. 374. To propose an amendment to the Constitution of Alabama of 1901 to provide for adequate educational opportunities to all school-children in the state.

Committee on Education

The above Bill was read a first time at length as required by the Constitution.

By Senator Little:

S. 375. To provide distinctive motor vehicle license tags or plates for members of the Fraternal Order of Police; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

Committee on Finance
and Taxation

By Senator Little:

S. 376. To exempt public library agencies and all organizations incorporated for the purpose of providing or coordinating cooperative library service from the payment of all state, county, and municipal sales and use taxes and to exempt all property owned and used by those organizations

from any state, county, and local ad valorem taxes.

Committee on Finance
and Taxation

By Senator Little:

S. 377. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

Committee on Banking
and Insurance

By Senator Little:

S. 378. To amend Section 36-21-11 of the Code of Alabama 1975, relating to preference given to police officers and firefighters for treatment of diseases without a known cure to provide that treatment would be given at no cost.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 379. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

Committee on Public Welfare

By Senator Parsons (With Notice and Proof):

S. 380. Relating to Jefferson County; providing for an addi-

tional expense allowance for the Deputy Treasurer, Bessemer Division.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 380, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Little:

S. 381. To amend Sections 36-21-44, 36-21-45, and 36-21-46 of the Code of Alabama 1975, relating to the Peace Officers' Standards and Training Commission, to provide further for the powers, duties, functions, and allowances of the commission; and to provide further for the minimum standards of law enforcement officers.

Committee on Finance
and Taxation

By Senator Amari:

S. 382. To amend Sections 8-24-1, 8-24-2, 8-24-3, 8-24-4, and 8-24-5, Code of Alabama 1975, relating to commission contracts between a sales representative and certain principals; to further provide for the definition of a principal; to provide that the terms of a contract between the principal and sales representative shall determine when a commission becomes due or in the absence of a contract, past practices between the parties or the prevailing custom and usage shall control; to provide that commissions due at the time of termination of a contract shall be paid within seven working days; to provide that a principal who fails to pay a commission when due shall be liable to the sales representative in a civil action for treble damages, attorney's fees, and court costs; and to provide that the provisions of this statute cannot be waived and that any remedy is cumulative and not exclusive.

Committee on Judiciary/Civil

By Senator Wilson:

S. 383. To permit members of the Teachers' Retirement System to purchase up to ten years of prior service credit for service rendered as a regular employee of Walker College, Inc., in Jasper, Alabama, prior to

the merger of the school with the University of Alabama at Birmingham.

Committee on Finance
and Taxation

By Senator Floyd:

S. 384. To provide for the crimes of assault in the first, second, and third degree on judicial officials; to provide for the crime of threatening a judicial official; to provide for the crime of harassment and harassing communication of a judicial official; to further provide and specify the power of the Supreme Court to adopt rules relating to court and judicial security; and to provide penalties for violations.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Amari and Bedsole:

S. 385. To amend Sections 22-5A-2 to 22-5A-6, inclusive of the Code of Alabama 1975, to provide for definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and those providers and institutions which treat resident or residents of health care, assisted living, or residential facilities; to certify the community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Committee on Health

By Senators Amari, Hill, Lipscomb, Ellis, and Dixon:

S. 386. To provide for mandatory professional liability insurance or approved self insurance for all abortion or reproductive health centers as defined by state law, their employees, and for physicians providing services there; to require the obtaining of professional liability insurance by abortion or reproductive health centers in order to obtain a license to operate, renewal of a license, or for continued operation; to require the Department of Public Health to define and implement the requirements of the act.

Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration.

By Rep. Clark (J):

HJR 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senators Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

WHEREAS, the Honorable Perry A. Hand served as Alabama's 26th Highway Director from January 1991, to February 1993, during which period he was instrumental in the establishment of the Highway Improvement Program enacted by the Legislature in 1992; and

WHEREAS, prior to becoming Highway Director, Mr. Hand was appointed by former Governor Hunt to the office of Secretary of State, and served an unexpired term from May 1989, to January 1991; from 1983 until 1989, he served with distinction as a member of the Alabama Senate, representing a constituency of Baldwin and Mobile Counties in State Senate District 32; and

WHEREAS, Mr. Hand, a Cleburne County native, received a B.S. degree in civil engineering from Auburn University where he was selected as the "Most Outstanding Civil Engineering Graduate" in 1969, and was

founder, president and chairman of the board of Perry Hand Associates, Inc., a consulting engineering firm, from 1971-1991; and

WHEREAS, during the past 22 years, Perry Hand has distinguished himself as a highly successful professional engineer and businessman, and one of our state's most dedicated public servants as a State Senator, Secretary of State, and Director of the Alabama Highway Department, a record of service and achievement that can be matched by very few individuals; and

WHEREAS, we further note that Mr. Hand's contributions to his profession, the business community, and state have been previously recognized through the bestowal of a number of awards and honors, while the leadership he has provided in these areas is reflected also in the offices of trust he has held in many professional associations and societies, at both state and national levels, as well as numerous and responsible committee assignments as a member of the Senate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of outstanding services to the engineering profession and the State of Alabama, that the new Highway 46 bridge over the Tallapoosa River in Cleburne County be named the "Perry A. Hand" bridge; and that the appropriate Department of Transportation officials are directed to place appropriate signs or markers to identify the bridge.

RESOLVED FURTHER, That a copy of this resolution be sent to our esteemed former colleague.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending

September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 208 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 219 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 187 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 253 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 179 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 178 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 191. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 191 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 190. To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 190 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 181 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year end-

ing September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 186 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson:

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 248 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 184 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 185 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 182. To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 182 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 180. To make an appropriation from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 180 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 192. To amend the General Fund appropriation bill, Act 93-771 of the 1993 Regular Session which makes appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1994, in order to transfer funds between programs under the Farmers' Market Authority.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 192 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging

and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 173 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 176 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 177 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 230. To amend Code of Alabama 1975, Section 41-4-90 by including the agencies and entities under the Judicial Branch of Government among those entities subject to proration.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 230 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 229. To propose an amendment to the Constitution of Alabama of 1901 which will give the Legislature the power to grant to the Governor the authority to reduce appropriations made by the Legislature to any agency, board, department, commission, bureau or institution in any branch of government when a determination is made by the Governor that funds will not be available to meet the appropriations duly enacted by the Legislature.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 229 - to the Committee on Finance and Taxation

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 63. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That when the two houses

adjourn today, Thursday, January 20, 1994, they adjourn to meet again on Tuesday, January 25, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolution, HJR 63, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, and Zoghby:

**HJR 47. HONORING THE LATE THOMAS C. MAHER AND
RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.**

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Reso-

lution, HJR 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cams and Sanderson:

HJR 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Turnham and Harper:

HJR 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

By Rep. Knight (J):

HJR 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE OCCASION OF HER RETIREMENT.

Also:

By Reps. Ford, Smith (R), and Page:

HJR 55. HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

Also:

By Reps. Penry and Millican:

HJR 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

Also:

By Reps. Cagle and Hogan:

HJR 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Hale, the Rules were suspended and the Resolutions, HJR's 50, 53, 54, 55, 56, and 61, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTION

Senator Owens requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in a desire to recognize young Alabamians of outstanding achievement, notes the numerous and notable accomplishments of Sheryl Pech of Prattville, Alabama, a senior at Auburn University in Montgomery (AUM) where she is pursuing a degree with a double major in both Early Childhood and Elementary Education; and

WHEREAS, the 22-year-old daughter of Mr. and Mrs. James Pech, Sheryl is a member and vice president of Delta Zeta Sorority which she has previously served in a number of leadership capacities; she further is AUM Baseball M.V.P., serving as Baseball Hostess, and, as a Peer Leader, assists with AUM's Orientation; and

WHEREAS, Miss Pech, who also is a Student Government Association Justice, served as AUM 1993 Homecoming Queen, is the recipient of Delta Zeta Sorority's statewide Province Spirit Award, and is a member of Prattville United Methodist Church and the Autauga County Auburn Club; and

WHEREAS, in addition, however, to her school-related and community leadership activities, Miss Pech, following a June 1993 interview,

4th Day

was selected by Health Right for its Speak Out America Program, which was initiated to solicit reactions, nationwide, to President Clinton's health care package; as Alabama's representative, she has been invited to participate in Health Care's People's Lobby to Congress and, on behalf of college students in Alabama, to voice her views on the nation's health care system, and what needs to be done to improve it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as Alabama's representative in the People's Lobby to Congress, we hereby commend Sheryl Pech of Prattville, Alabama, for whom a copy of this resolution of highest personal regard shall be provided.

On motion of Senator Owens, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Substitute):

S. 80. To require certain persons or entities to obtain a certification from the State Department of Public Health before conducting utilization reviews for covered medical insurance services.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 247. To amend Section 22-14-5, Code of Alabama 1975, which provides for the members of the radiation advisory board of health, so as to include a veterinarian on the board.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 16. To amend Section 26-14-7, Code of Alabama 1975, relating to investigations by the various county Human Resources Departments regarding reports of child abuse or neglect, requiring the department to provide written notice specifying the final status and final disposition of the case to the parent, legal guardian, or other person who has custody or charge of the child who is the subject of the report.

By Senator Wilson:

S. 86. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ghee, Smith (J), Windom, Wilson, Little, Ellis, Lipscomb, Dixon, Bolling, Hale, and Floyd (With Amendment):

S. 85. To amend Section 32-5A-191, Code of Alabama 1975, relating to the offense of driving under the influence of alcohol and drugs to increase the penalties and sanctions for a fourth and subsequent conviction.

By Senator Owens (With Amendment):

S. 105. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

By Senator Floyd (With Amendment):

S. 20. To permit the Department of Corrections and the Board

of Pardons and Paroles to perform certain investigations and procedures in domestic violence and related cases.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; to define the word "possession"; to provide for exceptions; and to prescribe penalties.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

S. 246. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 136. To amend Section 13A-6-21, Code of Alabama 1975, relating to assault in the second degree; to provide further that an assault in the third degree by an inmate against a state employee or judge shall be classified as an assault in the second degree.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 32. Exempting property in this state from the satisfaction of a claim or judgement of another state or a political subdivision of another state for unpaid income taxes on certain retirement benefits.

By Senator Windom:

S. 61. Relating to motor vehicles; to prohibit inducing the buyer of a motor vehicle pursuant to a retail installment contract or the lessee of a motor vehicle pursuant to a lease contract from subleasing the motor vehicle without certain consent; to prohibit the offering for hire of motor vehicles subleased in violation of this act; and to provide penalties.

By Senator Floyd:

S. 77. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

S. 91. To provide for forfeiture of a motor vehicle driven or operated under the influence by a person with a suspended or revoked driver's license as a result of a conviction for driving a vehicle while under the influence of alcohol or a controlled substance, and to establish a procedure for forfeiture and the limitation on the sums generated from the forfeiture and certain exceptions for family hardship cases.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale (With Substitute):

S. 78. To amend Section 30-2-51 of the Code of Alabama 1975, to provide for discretionary inclusion of certain retirement pension

benefits within a spousal estate when the court determines an allowance upon the grant of a divorce provided that the enumerated conditions are met.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Ellis, Hale, Floyd, Windom, Owens, and Dial:

S. 264. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Mitchem, deGraffenried, Owens, Dixon, Underwood, Floyd, Mitchell, Bailey, Bedsole, Parsons, Hill, Little, Waggoner, Barron, Hale, Denton, Lindsey, Sanders, Ellis, Windom, and Smith (J) (With Amendment):

S. 280. To establish the "Alabama Boating Safety Reform Act of 1994"; to amend Section 32-5A-191, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices while under the influence of alcohol or controlled substances, and to provide for certain fines and penalties, parallel to the fines, penalties, and punishment for operating a motor vehicle on the public highways under the influence; to amend Section 32-5A-192, Code of Alabama 1975, to provide for the crime of homicide by vessel, and to provide for certain fines and penalties; to regu-

late the use of personal watercraft on the waters of this state and to provide for certain penalties; to provide for and require a boater safety certification and examination, and provide certain fees to cover the cost, collection, and reporting; to provide for certain reciprocal agreements; to provide authority to promulgate certain rules, and for certain penalties and fines for violations, including misdemeanor and felony punishment; to provide for and require certain personal flotation devices, and penalties for violations; to amend Section 33-5-26 of the Code of Alabama 1975, to further regulate the towing of certain persons and to require certain observers while towing certain persons, and to provide for penalties for violations; to prohibit reckless and careless operation of vessels, to require compliance with certain rules, and to provide for penalties for violations; to prohibit the obstruction of view of a vessel operator and to provide for penalties for violations; to require an emergency cut-off switch for certain vessels, and to provide other safety equipment for vessels; to provide for the establishment of speed restrictions; to prohibit mooring to or damaging certain signs and markers; to provide for the renewal, cancellation, suspension, and revocation of boater safety certifications and of vessel operating privileges, and for procedures to administer and implement penalties for violations; to provide generally for criminal penalties, misdemeanors, and felonies for violations of this act; to provide for certain boating safety education in schools; and to repeal Section 33-5-24, Code of Alabama 1975, and other laws to the extent of a conflict with this act.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 28. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

By Senator Horn:

S. 120. To establish an urban educational and job training program in the areas of forestry and horticulture to be administered by the Alabama Forestry Commission and to be entitled the Urban and Community Forestry Financial Assistance Program.

Senator Bedsole, Chairperson of the Standing Committee on Agri-

culture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Ghee (With Amendment):

S. 212. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

Senator Bedsole, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Figures, deGraffenried, Lindsey, Floyd, Windom, Hale, Owens, Wilson, Foshee, Horn, Little, Dial, Denton, Sanders, Waggoner, and Barron:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an al-

ternative school program in each county; to prohibit the collection of incidental fees in elementary schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-1-20.1, 16-1-20.2, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchell, Hale, Dial, Barron, Dixon, Wilson, Waggoner, Lipscomb, Lindsey, Foshee, Hill, and Amari (With Substitute):

S. 275. To provide for "The Revised Alabama Education Im-

provement Act of 1994"; to amend Section 12-15-13, Code of Alabama 1975, relating to the delinquency of children, to provide that a parent or guardian may be punished for failure of the child to pursue academic and standards of conduct of the public schools and to prescribe penalties; to amend Chapters 1, 3, 4, 8, 10, 11, 13, 23, 27, 35, 36, and 60 of Title 16, Code of Alabama 1975, relating to education, to provide standards for equal and adequate educational opportunities in all public schools of the state; to amend Section 25 of "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session, to provide that all mandates of this act shall be implemented after passage of the act and signature of the Governor; to provide for certain penalties for violating certain injunctions concerning school safety; and to specifically repeal Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Campbell, Figures, Wilson, Floyd, Lindsey, and Ghee:

S. 73. To require the Alabama Public Service Commission to issue and promulgate rules and regulations requiring owners of railroad bridges over which passengers and hazardous materials are transported to equip the bridges and approaches, in strategic locations, with certain adequate warning systems.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Substitute):

S. 81. To amend Sections 34-24-140, 34-24-141, and 34-24-144, Code of Alabama 1975, relating to the Board of Chiropractic Examiners, to further provide for the membership and the operation of the board.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon and Corbett:

S. 118. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division, Department of Finance.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Amendment):

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 196. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

By Senator Corbett:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1995.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon and Corbett (With Amendment):

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two terms of office.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-1, 34-14-2, 34-14-3, 34-14-4, 34-14-6, 34-14-7, 34-14-9, 34-14-11, 34-14-12, 34-14-13, 34-14-14, 34-14-30, 34-14-31, and 34-14-33, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Aid Dealers Board; provide further for definitions, duplicate licenses, fees, and exams of the board; provide additional disciplinary and legal powers for the board; exempt members from personal liability for acts of the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; and to require the Attorney General to serve as legal advisor for the board.

Senator Corbett, Chairperson of the Standing Committee on Eco-

conomic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 201. To require sellers of new automobile parts to provide a written one-year warranty on all new automobile parts that are sold to the public.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Hale:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 12. To amend Section 36-21-7, Code of Alabama 1975, relating to the reimbursement of mandated training costs when one governmental entity hires certain employees from another governmental entity within a certain period, and to provide similar requirements for the reimbursement of training expenses for certain governmental employees.

By Senator Denton:

S. 26. To amend Section 31-2-13, Code of Alabama 1975, to provide further for military service benefits for officers and employees of governmental entities.

By Senator Denton:

S. 27. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial develop-

ment authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

By Senator Sanders:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

By Senator Denton:

S. 57. To provide for the regulation of window tinting of motor vehicles; to provide definitions, and to require that material and glazing when applied shall not reduce light transmission through the windshield or windows by certain amounts or increase light reflectance by certain amounts; to provide for medical exemptions, and for labels on windshields and windows when required; and to provide penalties for violations of this act.

By Senator Dial:

S. 82. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

By Senator Lindsey:

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

By Senator Lindsey:

S. 89. To clarify, define, and reaffirm the sovereign relationship between the State of Alabama and the Choctaw Indians.

By Senator Dial:

S. 283. To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975,

relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as a member of the commission; to provide certain duties for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

By Senator Foshee:

S. 292. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

By Senators Bailey, Hill, Ellis, Underwood, Corbett, Smith (J), Floyd, Windom, Waggoner, Lindsey, Mitchell, Bolling, Langford, and Horn:

S. 313. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

NOTICE IN WRITING

Senator Dixon offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules by adding a new Senate Rule 60 as follows and renumbering subsequent rules accordingly:

“Rule 60. A Conference Committee Report must lay on the Secretary’s desk for one legislative day before action can be taken unless this rule is suspended by a vote of 3/5 of the elected members of the Senate.”

Which was read and ordered filed with the Secretary.

BILL RE-REFERRED

Senator Barron, Deputy Chairperson of the Standing Committee

on Finance and Taxation, reported that said Committee, in session, had acted on the Bill, SB 135, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

And the President Pro Tempore and Presiding Officer of the Senate ordered said Bill, SB 135, re-referred to the Standing Committee on Governmental Affairs/Local Government.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 33. COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOT-BALL SEASON.

Also:

HJR 34. DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

Also:

HJR 35. COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

Also:

HJR 37. INVITING COACH TERRY BOWDEN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

HJR 38. COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

Also:

HJR 39. COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

Also:

HJR 40. COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 41. NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE "FORT CHARLES "MANLEY" CLACK ARMORY."

Also:

HJR 42. CONGRATULATING MRS. LILLIE BELL SANDERS CLARK ON THE OCCASION OF HER 91ST BIRTHDAY.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

HJR 62. HONORING THE LATE DAVID CARL "DAVEY" ALLISON.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 16. COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 15. HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

GREG PAPPAS,
Clerk.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 93-323, the annual report of the Alabama Impaired Drivers Trust Fund Advisory Board on Head and Spinal Cord Injury was read and ordered filed with the Secretary.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 5 SJR 6 SJR 7 SJR 8

Delivered to the Governor, January 20, 1994, at 10:20 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11 o'clock A.M., on motion of Senator Corbett, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, January 25, 1994, at 9 o'clock A.M.

FIFTH LEGISLATIVE DAY

TUESDAY, JANUARY 25, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Rusty Taylor, Minister of Local Ministries, Frazer United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kathryn Skinner, Eastwood Middle School, Tuscaloosa, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-35

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

RESOLUTION

Senator Hale offered the following Senate Joint Resolution, to-wit:

SJR 22. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses of the legislature adjourn today, January 25, 1994, they adjourn to meet again on Wednesday, January 26, 1994, and when they adjourn on Wednesday, January 26, 1994, they adjourn to meet again on Thursday, January 27, 1994.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO ADJOURN

Senator Hale moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, January 26, 1994, at 9 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Mitchell:

S. 387. Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

Committee on Finance
and Taxation

By Senator Floyd:

S. 388. To repeal Section 30-3-7 of the Code of Alabama 1975,

relating to fees for investigation services performed by the Department of Human Resources in divorce and divorce modification proceedings, and providing for the deposit of the fees in the State General Fund.

Committee on Judiciary/Civil

By Senator Bedsole:

S. 389. To create the Respiratory Care Act; to provide for the regulation and licensing of persons administering respiratory care; to provide for the powers, duties, and responsibilities of the Alabama State Board of Respiratory Care; to create a special fund for receipts collected by the board and the administration of the fund; to make appropriations from the Alabama State Board of Respiratory Care Fund to the Alabama State Board of Respiratory Care; and to provide for prohibited acts and penalties.

Committee on Health

By Senator Foshee:

S. 390. To amend Section 23-1-5, Code of Alabama 1975, to increase the income level of certain utilities receiving costs of relocation of certain facilities necessitated by construction of certain highways.

Committee on Commerce,
Transportation, and Utilities

By Senator Windom:

S. 391. To amend Section 28-3-11, Code of Alabama 1975, relating to the export of alcoholic beverages to another state to specifically exempt alcoholic beverages purchased from the Alcoholic Beverage Control Board for export to another country from taxes collected by the board.

Committee on Finance
and Taxation

By Senator Hale:

S. 392. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

Committee on Commerce,
Transportation, and Utilities

By Senator Windom:

S. 393. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

Committee on Banking
and Insurance

By Senators Corbett, Barron, Campbell, Windom, Floyd, Amari, Wilson, Foshee, Hale, Little, Langford, Ghee, Dixon, Sanders, Bolling, Owens, Lindsey, Waggoner, Underwood, Mitchell, deGraffenried, Horn, Ellis, Parsons, Hill, Denton, and Bailey:

S. 394. To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-1995 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

Committee on Finance
and Taxation

By Senators Corbett, Lindsey, Dial, and Barron:

S. 395. To amend Section 40-12-252, Code of Alabama 1975, to exempt private utility and boat trailers from registration requirements.

Committee on Economic Affairs

By Senators Horn, Bedsole, and Floyd:

S. 396. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment, and to provide for recovery of amounts owed for violations.

Committee on Business
and Labor Relations

By Senator Figures (With Notice and Proof):

S. 397. To amend Section XV of Act No. 470, H. 952, Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, p. 298), as amended, which established the county-wide civil service system in Mobile County, to provide the procedures for filling vacancies by appointment in the classified service.

Committee on Local
Legislation No. 3

I hereby certify that the notice and proof is attached to the Bill, SB 397, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchell:

S. 398. To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

Committee on Commerce,
Transportation, and Utilities

By Senator Amari (With Notice and Proof):

S. 399. Relating to retirement or participant benefits and spouse's or survivor's benefits for persons in Class 1 municipalities who are covered by a pension, relief, and retirement system for municipal officers and employees pursuant to Act No. 929, S. 676, Regular Session 1951, as amended, to make legislative findings, to provide that all recipients of extraordinary disability benefits whose longevity payment received during the year prior to their disability was not included in the amount of monthly salary used in the calculation of the extraordinary disability benefit shall receive an increase in the monthly benefit of 70 percent of one-twelfth of the total longevity payment received during the year immediately preceding the recipient's disability application; and to set an effective date.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB

399, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari (With Notice and Proof):

S. 400. Relating to the City of Birmingham in Jefferson County, to further amend Act No. 929, 1951 Regular Session and as extensively amended by Act No. 1272, 1973 Regular Session which created a Retirement and Relief System for officers and employees of Class 1 Municipalities, so as to provide further for a member appointed by the city council and a retired member elected by the retired members in the system to serve as members of the board of managers of the City of Birmingham Retirement and Relief System; to provide further for a quorum of the board; to provide additional compensation for members of the board; and to provide further for the filing of reports and records which shall be public records subject to inspection.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 400, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 401. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 175. To make an appropriation from the State General Fund

to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 175 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, and Hooper:

H. 109. Providing that topless, bottomless, or nude dancing for monetary consideration is unlawful in any county with a Class III municipality and prescribing penalties for enforcement.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 109 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills

and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow (With Notice and Proof):

H. 62. Relating to Franklin County; providing for the election of the county superintendent of education by the qualified electors of the Franklin County School District.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 62, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Carter (With Notice and Proof):

H. 265. Relating to the City of Athens in Limestone County; to authorize the municipal governing body to waive certain fees for the Habitat for Humanity.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 265, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 62 and 265 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow:

H. 60. To propose an amendment to the Constitution of Alabama of 1901, to allow the Legislature by local act to provide for the election of the Franklin County Superintendent of Education by the qualified electors residing within the Franklin County School System.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 60 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harper:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 174 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, Powell, and Hooper:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 110 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30,

1995, and to require an operations plan and an audited financial statement prior to release of any funds.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 254 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 189 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 91 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Letson (With Notice and Proof):

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 146, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Letson (With Notice and Proof):

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 147, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 146 and 147 - to the Committee on Local Legislation No. 1

RESOLUTION

Senator Figures offered the following Senate Joint Resolution, to-wit:

SJR 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama expresses congratulations and highest commendation of the Reverend Clarence J. Cooke, Sr., on the occasion of his installation on January 31, 1994, as president of the Mobile (and vicinity) Inter-Denominational Ministerial Alliance; and

WHEREAS, the Reverend Cooke, who entered the ministry in 1981, has since pastored five churches, including his current pastorate at Ebenezer AME Zion Church, where he continues his commitment to faithful service in the Lord, and his unceasing endeavors to lead others to Christ that they may know the Risen Lord as their personal Savior and who, through the redemption of their sins, is the giver of eternal life; and

WHEREAS, a former employee of the United States Postal Service where he served 33 years as a carrier, clerk, and in a number of supervisory positions, Reverend Cooke also served for four years as postmaster of the University of South Alabama Post Office; and

WHEREAS, additionally, he served 18-1/2 years in the military, including active and reserve duty, and, while on active and reserve status, was Commanding Officer of the 498th Trans Co (TS) which was called to active duty in 1961, and was recognized by the Secretary of Defense as the "Best Company" of those recalled to active duty; Mr. Cooke, as Commanding Officer, was awarded the Army Commendation Medal for outstanding leadership and, upon returning to reserve status, became the first black Commanding Officer to command an integrated unit in the 3rd Army area, which included Mobile; and

WHEREAS, also to the credit of Clarence J. Cooke, Sr., and a testimony to his leadership ability, was his organization and service as president, from its establishment to the present, of the Harmon Recreation Center Council, and his instrumental role in successfully securing the building that now houses the Harmon Recreation Center in the Maysville area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service, leadership and achievement, we hereby commend the Reverend Clarence J. Cooke, Sr., whom we hold in highest regard, and to whom a copy of this resolution shall be presented upon his installation as President of the Mobile Inter-Denominational Ministerial Alliance.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice having been given on a previous Legislative Day, motion is hereby made to amend the Senate Rules as follows:

"Rule 60. A Conference Committee Report must lay on the Secretary's desk for one legislative day before action can be taken unless this rule is suspended by a vote of 3/5 of the elected members of the Senate."

Which was read and referred to the Standing Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 70, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 70. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Mitchell, B.I.R., SB 88, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried,

5th Day

Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), and Wilson -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 88. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -25

Nays: - 0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 24. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bill in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Fifth Legislative day and continuing on subsequent legislative days immediately upon adoption of this resolution.

Page

S. 75

42

Alabama First: A Plan for Academic Excellence Act of 1994, Secs. 16-1-1, 16-1-14, 16-1-24.1, 16-21-1, 16-23-3, 16-23-5, 16-23-14, 16-24-1, 16-28-6, 16-28-12, 36-26-100 am'd.; numerous secs. of Title 16 repealed

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 75, adopted.

Yeas 23 Nays 2

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

Senators:

Corbett and Lipscomb

- 2

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in elementary schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of educa-

tion personnel; to provide minimum and average salary schedules for teachers; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-1-20.1, 16-1-20.2, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

Senator Waggoner offered the following amendment to the Bill, SB 75, to-wit:

WAGGONER AMENDMENT TO SB 75

On page 6, on lines 20 and 21, delete the following language:

16-1-20.1, 16-1-20.2,

On page 181, on line 3, delete the language:

16-1-20.1, 16-1-20.2

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey,

Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B),
Waggoner, Wilson, and Windom -29

Nays: - 0

Senator Dixon offered the following amendment to the Bill, SB 75,
as amended, to-wit:

DIXON AMENDMENT TO SB 75, AS AMENDED

On page 6, line 9, after the semicolon, add the following language:

to provide no person shall be eligible to be certified as a teacher
after the effective date of this act unless the person has passed the National
Teachers' Exam, as administered by the Educational Testing Service,
Princeton, New Jersey;

On page 180, after line 16, add the following new Section 32 and
renumber the following sections accordingly:

Section 32. Notwithstanding any other provision of this act or
existing law, including, but not limited to, Sections 16-23-3 and 16-23-14
of the Code of Alabama 1975, no person shall be eligible to be certified as
a teacher after the effective date of this act unless the person has received a
passing grade as defined by the Educational Testing Service, on the Na-
tional Teachers' Exam administered by the Educational Testing Service. It
shall be the applicant's responsibility to arrange for and take the National
Teacher's Exam prior to eligibility to be certified as a teacher in Alabama.

Senator Figures moved that said amendment be laid on the table,
which motion was lost.

Yeas 13 Nays 16

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Denton, Figures, Horn, Langford, Lindsey,
Little, Mitchell, Sanders, Smith (J), and Windom -13

Nays:

Senators:

Amari, Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Floyd, Hale, Hill,
Lipscomb, Owens, Parsons, Underwood, Waggoner, and Wilson -16

And said amendment was then adopted.

Yeas 25 Nays 3
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

Senators:

Horn, Langford, and Lindsey - 3

Abstaining: Senator Figures - 1

RECESS

At 11:55 A.M., on motion of Senator Figures, the Senate took a recess until the completion of the Joint Session.

JOINT SESSION

At 2 o'clock P.M., in accordance with House Joint Resolution 15 heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of commemorating Davey Allison.

The Session was called to order by the Honorable Ryan deGraffenried, President Pro Tempore and Presiding Officer of the Senate. A quorum of the Legislature was present.

The recess period having expired, at 2:40 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 4. DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

Also:

SJR 15. HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

Also:

SJR 16. COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

Also:

SJR 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT.

Also:

SJR 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

Also:

SJR 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

Also:

SJR 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

SJR 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 50. COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 53. COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

Also:

HJR 54. COMMENDING MRS. DOROTHY POSEY JONES ON THE OCCASION OF HER RETIREMENT.

Also:

HJR 55. HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

Also:

HJR 56. COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

Also:

HJR 61. COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

Also:

HJR 47. HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

Also:

HJR 63. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended.

Senator Bailey offered the following amendment to the Bill, SB 75, as amended, to-wit:

BAILEY AMENDMENT TO SB 75, AS AMENDED

On page 6, on line 19, after the language "trust fund;" insert:

to condition the implementation of the mandates of this act on certain funding requirements;

On page 181, insert the following Section 35 and renumber the present Section 35 as Section 36.

Section 35. Any and all mandates contained in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriations of a local school board or boards for the purposes of implementing the mandates.

Senator Amari offered the following substitute amendment for the Bailey amendment to the Bill, SB 75, as amended, to-wit:

**AMARI SUBSTITUTE AMENDMENT FOR BAILEY
AMENDMENT TO SB 75, AS AMENDED**

Amend SB 75, as amended, on page 181, after line 8 by inserting the following new section and renumbering all subsequent sections accordingly:

"Section 35. Any and all mandates contained in the provisions of this act shall be mandated only to the extent that 1) new funds are appropriated by the Legislature or 2) otherwise made available to the several local educational authorities from the enactment of a minimum of twenty mills on taxable property and the equivalent of fifteen mills, both dedicated to the local educational authorities."

On motion of Senator Figures, said substitute amendment was laid on the table.

And said Bailey amendment was then adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bailey, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 11. REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

Also:

SJR 13. TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT.

Also:

SJR 14. RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

Also:

SJR 17. DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

Also:

SJR 18. DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

Also:

SJR 19. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS,

GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended.

Senator Floyd offered the following amendment to the Bill, SB 75, as amended, to-wit:

FLOYD AMENDMENT TO SB 75, AS AMENDED

On page 2, on line 5, after the language "promotion;" insert:

provide for the restructuring of elementary education;

On page 5, on line 19, after the language "secondary education," insert:

restructuring of elementary education,

On page 37, after line 23, insert the following:

Section 16-3A-4.1. Restructuring of elementary education.

The State Board of Education, upon the recommendation of the ACSPA, shall develop and implement a statewide, long-range plan for restructuring elementary education. This plan shall be based on the following principles:

(1) Schools shall offer all students a high-level core academic cur-

riculum of reading, writing, English, and mathematics for grades K to 5, inclusive, and support to stay in school and take advantage of that curriculum. The core curriculum shall provide all students with access to the knowledge and skills necessary to be successful when they reach middle, junior high, and high school.

(2) The general track of undemanding courses to which too many of our students have been relegated shall be abolished.

(3) Other than the core curriculum courses of reading, writing, English, and mathematics, each school with a school council and the local board of education for schools with no school council, shall select other curriculum for that particular school.

(4) Student standards for promotion from one grade to the next shall be examined and revised to reflect the integrated system of instruction and assessment established pursuant to this chapter and the restructuring effort.

(5) Schools shall not be held to any one model but shall be allowed to select and develop course offerings and methods of course delivery that are adapted to the local characteristics and needs of the school and its students.

(6) The state shall provide schools with adequate resources and technical assistance to support all aspects of the elementary school curriculum.

(7) Schools shall not track students, relegate particular students to a general track of undemanding courses or design course work that forecloses educational options for the students. Programs shall not result in defacto tracking and shall include safeguards to insure that factors such as socioeconomic status, race, gender, and disability do not limit or determine students pursuits.

(8) In order to overcome education deficiencies and in order to meet education performance standards, the State Board of Education shall identify programs for local school systems that provide intensive instruction to students who are low income or low performing or both. All at-risk students in grades K to 5, inclusive, and all at-risk students failing to meet student performance objectives in grades K to 5, inclusive, shall be provided with effective educational programs as defined in this act.

(9) Students shall be encouraged to learn at the highest level pos-

sible according to individual ability and achievement. Insofar as elementary education is concerned, Section 16-3A-13 shall apply.

(10) Beginning in the 1994-1995 school year, no elementary class in the public schools in grades K to 3, inclusive, in this state shall have more than 17 students, and, no classroom teacher in such a class shall teach more than 17 students per day.

(11) The State Board of Education shall by regulation prescribe exemptions from the requirement of class size for classes such as band, chorus, physical education, innovative instructional practices, and for other exceptional circumstances.

(12) If a class in grades K to 3, inclusive, in an elementary school exceeds 17 students, then the local school board shall immediately place in that school an additional teacher for the additional student or students above 17.

(13) The State Board of Education, upon the recommendation of the State Superintendent, shall establish a basic core curriculum course of study based upon the learning goals and objectives as to what Alabama elementary students need to know and to be able to do at the conclusion of each elementary year.

(14) The core curriculum courses of study shall be based on the following principles:

a. The courses of study shall identify what students should know and be able to do, but not how they are to be taught.

b. The course of study shall identify what students must know and be able to do at the conclusion of each elementary year, which goal shall be met before a student is promoted to the next level or grade.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-30

Nays:

- 0

Senator Dial offered the following amendment to the Bill, SB 75, as amended, to-wit:

DIAL AMENDMENT TO SB 75, AS AMENDED

On page 52, delete lines 14 and 15 in their entirety and insert in lieu thereof the following:

(1) No K to 3, inclusive, class in the public schools in the state shall have more than 20 students; no grade 4 to 6, inclusive, class in the public schools shall have more than 23 students; and no grade 7 to 12, inclusive, shall have more than 28 students.

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom
-29

Nays:

- 0

Senator Dial offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

DIAL AMENDMENT NO. 2 TO SB 75, AS AMENDED

Amend SB 75, as amended, on Page 148, subsection (b)(1), beginning on line 16, by striking line 16 in its entirety and inserting in lieu thereof the following:

offerings, enrollment changes, or where essential for the effective operation of schools.

Further amend SB 75, as amended, on Page 151, subsection (3), beginning on line 3 by striking the words ~~binding arbitration~~ and inserting in lieu thereof the words a hearing officer.

Further amend SB 75, as amended, on Page 153, subsection e., beginning on line 12 by deleting the words:

~~same to be paid out of school funds. The employing board shall~~

~~not be accountable for the witness fees of more than 10 of the witnesses subpoenaed by the employee.~~

and inserting in lieu thereof the words:

the cost to be shared equally by the employee and employing board.

Further amend SB 75, as amended, on Page 154, subsection (9), beginning on line 12, by deleting subsection (9) in its entirety and by inserting in lieu thereof the following new subsection (9):

(9) The proceedings shall be recorded by a qualified court reporter. The cost of the court reporter's services and of any transcription shall be paid equally by the employing board and employee. The transcript shall be completed no later than 21 days after the filing of the notice of appeal.

Further amend SB 75, as amended, on Page 154, subsection (10)c., on line 26 by inserting the word tangible following the word "All" and by inserting the words offered but not following the word "evidence".

Further amend SB 75, as amended, on Page 155, subsection f., on line 3, after the word "written" by deleting the word ~~decision~~ and inserting in lieu thereof the words recommendation and findings of fact.

Further amend SB 75, as amended, on Page 155, subsection (11), beginning on line 9 by striking the words ~~hearing officer~~ and inserting in lieu thereof the word appeal.

Further amend SB 75, as amended, beginning on Page 155, beginning on line 25 by deleting subsection (15) in its entirety and inserting in lieu thereof a new subsection (15) as follows:

(15) Within seven days of conclusion of the hearing, the hearing officer shall issue written findings of fact and a recommendation based on the findings of fact. The findings of fact shall be binding on both parties. The recommendation may be rejected by the board, but the board's decision may not be violative of the findings of fact. The employing board's decision shall include a brief statement of the reason or reasons for the personnel action and the findings of fact. If the employee contended before the hearing officer that procedural errors occurred in the proceedings which substantially prejudiced his or her rights, the hearing officer's recommendation shall include appropriate findings of fact relating to that contention.

Further amend SB 75, as amended, on Page 156, subsection (16),

beginning on line 11 by deleting the words ~~hearing officer's~~ and inserting in lieu thereof the words employing board's.

Further amend SB 75, as amended, on Page 156, subsection (17), on line 16 by deleting the words ~~hearing officer's~~ and inserting in lieu thereof the words employing board's.

Further amend SB 75, as amended, on Page 156, subsection (17), on line 18 by deleting the words ~~hearing officer~~ and inserting in lieu thereof the words employing board.

Further amend SB 75, as amended, on Page 156, subsection (18), beginning on line 21 by deleting subsection (18) in its entirety and inserting in lieu thereof the following new subsection (18):

(18) If a tenured employee successfully contests a transfer, the employee shall be entitled to resume his or her former position at the following times: (1) 15 days after the date of the employing board's decision, or (2) at the time of a final judicial decision.

Further amend SB 75, as amended, on Page 157, beginning on line 3 by deleting the words ~~hearing officer~~ and inserting in lieu thereof the words employing board.

Further amend SB 75, as amended, on Page 157, subsection (a), beginning on line 5 by deleting subsection (a) in its entirety and inserting in lieu thereof a new subsection (a) as follows:

(a) A tenured employee may appeal the final decision of the employing board made under Section 16-24B-7 only to the Alabama Court of Civil Appeals. The appeal shall be filed within 14 days of the employing board's final decision. Appeal by the employee shall be perfected by filing a written notice of appeal with the superintendent, who shall transmit the notice to the Clerk of the Alabama Court of Civil Appeals upon receipt. Failure by the employee to file a timely notice of appeal shall result in the decision of the employing board becoming final, and failure by the superintendent to transmit to the clerk in a timely manner the notice served by the employee shall result in a decision in favor of the employee. The superintendent shall transmit the record to the clerk within 28 days of the filing of a notice of appeal.

Further amend SB 75, as amended, on Page 157, subsection (b), on line 24 by deleting the words ~~hearing officer~~ and inserting in lieu thereof the words employing board.

5th Day

Further amend SB 75, as amended, on Page 158, on line 2 by deleting the words ~~hearing officer~~ and inserting in lieu thereof the words employing board.

Further amend SB 75, as amended, on Page 158, on line 6 by deleting the words ~~hearing officer's~~ and inserting in lieu thereof the words employing board's.

Which was adopted.

Yeas 19 Nays 11

Abstaining 1

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (B), Underwood, and Waggoner -19

Nays:

Senators:

Bailey, Campbell, Corbett, Figures, Floyd, Hill, Horn, Lindsey, Little, Wilson, and Windom -11

Abstaining: Senator deGraffenried

- 1

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 4 SJR 15 SJR 16

Delivered to the Governor, January 25, 1994, at 3:07 P.M.

SJR 11 SJR 13 SJR 14 SJR 17 SJR 18 SJR 19

Delivered to the Governor, January 25, 1994, at 3:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:50 P.M., on motion of Senator Hale, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 75, the Senate adjourned until Wednesday, January 26, 1994, at 9 o'clock A.M.

SIXTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 26, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Dr. Lester Spencer, Minister, St. James United Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Noelle Lance, Eastwood Middle School, Tuscaloosa, Alabama.

ROLL CALL

Present:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-34

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Dixon, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Dixon, leave of absence was granted Senator Amari for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 402. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

Committee on Public Welfare

By Senators Bolling, Barron, and Mitchem:

S. 403. To prohibit prescription drug manufacturers from discriminating in price between retail pharmacies which purchase similar volumes and whose purchases involve similar billing and distribution costs for the seller; to provide that the anti-discrimination provisions of the bill do not apply to the sale or donation of drugs for bona fide charitable purposes; to provide that a purchaser or the Attorney General may seek injunctive relief for violations of the provisions of the bill; and to provide that an injured party may also sue for damages caused by price discrimination.

Committee on Consumer Affairs

By Senator Dixon:

S. 404. To provide for the offense of making false statements to obtain workers' compensation benefits.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Horn:

S. 405. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 406. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

Committee on Judiciary/Civil

By Senators Foshee, Windom, Bedsole, and Figures:

S. 407. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

Committee on Education

By Senator Horn:

S. 408. To make an appropriation from the State General Fund for fiscal year 1994-95 to the State Department of Transportation to be allocated to the Birmingham-Jefferson County Transit Authority for normal operating expenses.

Committee on Finance
and Taxation

By Senator Little:

S. 409. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975, to provide further for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone provided that advance written notice is given all mem-

bers of the board; and to provide further for the annual appropriation made to the board.

Committee on Education

By Senators Dial, Barron, Mitchem, and Owens:

S. 410. To amend Sections 22-21-260 and 22-21-263 of the Code of Alabama 1975, relating to new institutional health services required to be reviewed by the State Health Planning and Development Agency prior to being offered or developed, to further provide for the threshold of expenditures by a health care facility or health maintenance organization included as a new institutional health service and subject to review.

Committee on Health

By Senators Dial and Dixon:

S. 411. Proposing a constitutional amendment relating to a certain legislative process of certain legislation providing for the closure, realignment, reduction or consolidation of any program, facility, or institution in the realignment or closure of any junior college, vocational, or technical school, and the operation of post-secondary education, and certain real and personal property of the affected institution.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senators Dial and Dixon:

S. 412. To establish the Post-Secondary Evaluation and Review Commission and provide for the appointment and powers of commission members; to provide for a specific legislative process relating to action on the recommendations and proposed legislation by the commission; to provide for compensation, office space, and staff for the commission; to provide for filling vacancies; to provide for the Alabama Commission On Higher Education and the State Department of Education to furnish assistance and other needs of the commission and require the cooperation of all state agencies; and to provide for the termination of the commission and the discharge of the members.

Committee on Education

By Senators Escott-Russell, Wilson, Denton, Windom, Campbell, Corbett, Ghee, Lindsey, Floyd, Sanders, Horn, Ellis, Parsons, Langford, Foshee, and Figures:

S. 413. To amend Section 25-4-72 of the Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits.

Committee on Business
and Labor Relations

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in elementary schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure

disputes; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-1-20.1, 16-1-20.2, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

as amended, which said amendments are set out in the Journal of the Senate for the Fifth Legislative Day.

Senator Dixon offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**DIXON AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 38, line 22, delete the words and punctuation “, appropriate experts,”.

On page 50, on lines 12 and 13, delete the words and punctuation “, utilizing outside consultants as it deems appropriate,”.

On page 66, line 15, delete the word “and”.

On page 66, line 16, delete the word “consultant”.

On page 178, on lines 14, 15, and 16, delete the sentence “The task force may engage the services of nationally recognized experts in the field of technology to assist it, if necessary.”

On motion of Senator Figures, said amendment was laid on the table.

Senator Parsons offered the following amendment to the Bill, SB 75, as amended, to-wit:

**PARSONS AMENDMENT
TO SB 75, AS AMENDED**

On page 31, line 8, delete the word “churches”, and in lieu thereof add the words:

places of worship

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Barron, Bolling, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom - 24

Nays:

- 0

Senator Parsons offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**PARSONS AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 180, after line 16, add the following new Section 32 and renumber the remaining sections accordingly:

Section 32. Notwithstanding any provision of this act to the contrary, the requirements of this act shall be implemented and administered in strict compliance with Amendment 284 of the Constitution of Alabama of 1901.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

Senator Underwood offered the following amendment to the Bill, SB 75, as amended, to-wit:

**UNDERWOOD AMENDMENT
TO SB 75, AS AMENDED**

On page 162, line 23, delete the period and add the following language:

or that it did not provide a school bus transportation system on the effective date of this act.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Lipscomb, Little, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -22

Nays:

- 0

Senator Waggoner offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**WAGGONER AMENDMENT NO. 2
TO SB 75, AS AMENDED**

Amend SB 75, as amended, on Page 68, §16-8A-9, beginning on line 11, by inserting the following:

Other provisions of this Act notwithstanding, the superintendent shall have the right to suspend any employee, whether tenured or non-tenured, without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing Board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The Board's decision shall be final, subject to such judicial review

as may otherwise be provided by law. Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law.

Which was adopted.

Yeas 20 Nays 1
Abstaining 1

Yeas:

Senators:

Barron, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hill, Lipscomb, Little, Mitchell, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -20

Nay: Senator Parsons - 1

Abstaining: Senator deGraffenried - 1

Senator Ellis offered the following amendment to the Bill, SB 75, as amended, to-wit:

ELLIS AMENDMENT TO SB 75, AS AMENDED

On page 18, on line 25, after the language "section" insert the following:

Each local board of education shall establish a criteria to determine whether a student should be placed in an alternative school and shall establish a legal process providing for notice and due process hearings prior to such placement. The criteria shall identify those students who consistently exhibit behaviors or patterns of behavior that interfere with the learning environment of other students. The local board, after conducting a due process hearing, shall place a student satisfying this criteria in an alternate school. The student shall remain in the alternate school until the local superintendent of education, upon the recommendation of the principal of the alternate school, determines the student will no longer interfere with the learning environment of other students.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Sanders offered the following amendment to the Bill, SB 75, as amended, to-wit:

**SANDERS AMENDMENT
TO SB 75, AS AMENDED**

On page 9, on line 8, after the period, insert the following language:

Such removal, isolation, separation, or grouping may not deprive such pupils of their full right to an equal and adequate education as otherwise provided in this act, and all other provisions of law (and all regulations adopted pursuant to such provisions of law) which implement the Alabama First: A Plan for Academic Excellence Act of 1994.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Dixon offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

**DIXON AMENDMENT NO. 3
TO SB 75, AS AMENDED**

On page 38, line 22, reword to read “, utilizing appropriate experts as it deems appropriate,”.

On page 66, line 16, add, as it deems appropriate; following word consultant.

Which was adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

Senator Foshee offered the following amendment to the Bill, SB 75, as amended, to-wit:

**FOSHEE AMENDMENT
TO SB 75, AS AMENDED**

On page 38, after line 19, add the following new subsection (c):

(c) Schools are authorized and encouraged to continue the use of traditional grading methods (such as "A," "B," "C," "D," and "F") when schools and local boards of education consider the use of those methods appropriate under the circumstances.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Wilson, and Windom -25

Nays:

- 0

Senators Bailey and Foshee offered the following amendment to the Bill, SB 75, as amended, to-wit:

**BAILEY AND FOSHEE AMENDMENT
TO SB 75, AS AMENDED**

On page 28, line 10, delete the word "performance-" and after the word "based", insert the following:

on the pursuit of academic excellence

On page 28, line 11, after the word “successful” insert the word:
academic

On page 29, line 2, delete the word “performance-”

On page 29, line 3, after the word “based” insert the following:
of academic excellence

On page 38, line 4, delete the words “Performance based-assess-
ments” and insert in lieu thereof:

Assessments

On page 38, lines 5 and 6, delete the words “performance-based”

On page 38, line 6, delete the period after “tasks” and insert the
following:

based on the pursuit of academic excellence

On page 49, line 8, after the word “the” insert the following:
pursuit of academic excellence embodied in

On page 49, lines 8 and 9, delete the words “performance-based
character of”

On page 135, line 14, after the word “the” insert the following:
pursuit of academic excellence embodied in

On page 135, line 14, delete the words “performance- based nature
of”

On page 136, line 3, delete the words “performance- based”

On page 136, line 4, after the word “strategies” insert the follow-
ing:

based on the pursuit of academic excellence

Which was adopted.

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom

-26

Nays:

- 0

Senator Foshee offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**FOSHEE AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 38, after line 19, insert the following:

(c) The OSA shall include in its annual report a comparison of the test scores of Alabama students with test scores of students in other states on the nationally recognized norm based standardized tests required by subsection (a) (2) of this section. The Legislature expects that the reforms initiated by the Alabama First: A Plan for Academic Excellence Act of 1994 will enable students to demonstrate significant progress once the reforms have been implemented and students have had a reasonable opportunity to experience the effect of such reform. If the comparative ranking, or norm reference, if applicable, Alabama students on such test does not improve during the period covered by the OSA report, the OSA shall provide its analysis of the reasons why improvement is not shown and its recommendation for any changes in the Alabama public school system that would improve the comparative ranking of Alabama students.

Which was adopted.

Yeas 29 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-29

Nays:

- 0

Senator Bailey offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**BAILEY AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 3, on line 4, after the language “performance;” insert:

create the Legislative Oversight Committee on Education Reform to approve the adoption of certain goals and objectives and to provide oversight of the Office of School Accountability;

On page 6, on line 1, after the language “Accountability;” insert:

to create the Legislative Oversight Committee on Education Reform and to prescribe its duties and powers;

On page 32, on line 27, after the period insert:

Prior to the establishment of the learning goals and objectives, the learning goals and objectives shall be approved by the Legislative Oversight Committee on Education Reform.

On page 57, line 11, after the period, insert the following sentence:

All three officers shall concur in the appointment.

On page 59, after line 3, insert the following:

Section 16-3C-4. Legislative Oversight Committee on Education Reform created.

The Legislative Oversight Committee on Education Reform is created. The committee shall be composed of every member of the Senate Education Committee and every member of the House of Representatives Education Committee. Prior to the next legislative term, the Chair of the Senate Education Committee and the Chair of the House of Representatives Education Committee shall act as Chair of the Legislative Oversight Committee on Education Reform an equal amount of time. Commencing with the next legislative term and each quadrennium thereafter, the Chair of the Senate Education Committee shall chair the Legislative Oversight Committee on Education Reform for the first two years of the legislative term and the Chair of the House of Representatives Education Committee shall act as Chair during the last two years of the legislative term. The members of the Legislative Oversight Committee on Education Reform shall be entitled to regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. Payments shall be paid out of any funds appropriated to the use of the Legislature, upon warrants

drawn on the State Comptroller upon requisitions signed by the Chair. Members shall not receive additional compensation or per diem when the Legislature is in session or when being paid any other payments on the same dates for attendance of other state business. The committee shall review the actions of the Office of School Accountability and shall offer advice to the office as it deems appropriate.

Which was adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bolling, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Horn, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (B), Smith (J), Waggoner, Wilson, and Windom -20

Nay: Senator Ellis

- 1

Senator Dixon offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

**DIXON AMENDMENT NO. 4
TO SB 75, AS AMENDED**

On page 108, line 19, between the period mark and the capitalized word "The", add the following new sentence:

The responsibility of the local superintendent for evaluating the principal and for reporting the evaluation to the local school board shall not be delegated by the superintendent to any other person or entity.

On page 110, line 10, delete the words "or his or her designee".

Also on page 110, line 14, between the period mark and the capitalized word "The", add the following sentence:

The responsibility of the principal for evaluating personnel and reporting the evaluation to the local superintendent and school board shall not be delegated by the principal to any other person or entity.

Which was adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures,

Floyd, Ghee, Lipscomb, Little, Mitchell, Owens, Smith (B), Smith (J),
Underwood, Waggoner, Wilson, and Windom -20

Nay: Senator Sanders - 1

Senator Floyd offered the following amendment No. 2 to the Bill,
SB 75, as amended, to-wit:

**FLOYD AMENDMENT NO. 2
TO SB 75, AS AMENDED**

Amend SB 75, as amended, page 32 by deleting lines 17 through
27, and on page 33, by deleting lines 1 through 14, and inserting the follow-
ing language in lieu thereof:

“The State Board of education shall adopt and order the implemen-
tation of the following learning goals and academic achievement objectives
as and shall require these goals and objectives to be prerequisites to gradu-
ating from high school following the 1998-99 school year.

(a) Social Studies achievement objectives. Alabama students shall:

(1) Demonstrate an understanding of the major and diverse histori-
cal and geographical themes in the study of Alabama, the United States of
America, and the world.

(2) Demonstrate an understanding of current events in Alabama,
the United States of America, and the world.

(3) Demonstrate an understanding of the economic systems of the
United States of America and the world and how those systems impact
consumption and production choices in the marketplace.

(4) Demonstrate an understanding of the role of the United States of
America citizen, of American constitutional democracy, and of other forms
of government.

(5) Show how to use literature, documents, maps and globes in
researching and explaining topics of historical and current interest.

(6) Show how to use current technology as a tool for communica-
tion and research.

(7) Show how they can make informed decisions using analytical
skills.

(b) Science Academic Achievement Objectives. Public school students will:

(1) Demonstrate an understanding of the dynamic nature of the Earth and universe

(2) Demonstrate an understanding of the fundamental concepts in the areas of biology, physical science, zoology, other life sciences, chemistry and physics.

(3) Demonstrate an understanding in the physical sciences with emphasis on the nature of matter, changes in matter and energy, the laws of motion, and the forces of nature.

(4) Construct and develop science projects at each secondary grade level and shall demonstrate the safe and proficient use of scientific equipment such as thermometers, microscopes, balances, computers and electronic probes.

(5) Demonstrate an understanding of the scientific method and the historical significance of the study of science.

(6) Apply and appropriately integrate scientific knowledge and thinking/process skills through observation, classification, inference, prediction and the formulation of models.

(7) Plan, complete, and evaluate investigations and communicate results by developing science projects and papers.

(c) Mathematics Academic Achievement Objectives. Alabama students will:

(1) Apply mathematical processes in a variety of situations (such as, personal, academic, consumer, and career).

(2) Solve problems applying a variety of mathematical approaches such as addition, subtraction, multiplication and division of numbers and fractions.

(3) Use geometry to measure the volume, width, length and height of various objects.

(4) Show proficient use of data analysis techniques, statistical methods, and probability concepts to describe and analyze data and to make decisions and predictions regarding such data.

(5) Apply geometric concepts to problems dealing with symmetry, similarity and other fundamental approaches.

(6) Show they can perform inverse operations, factoring, and simplifying irrational expressions in algebra.

(7) Show they understand how to use graphs, formulas, spreadsheets, and physical models.

(8) Show a proficient understanding of how to use logical reasoning skills to solve problems, analyze data, prove conjectures, test validity of arguments, and establish relationships.

(9) Show how to perform mathematical problems and equations through the use of paper and pencil, mental arithmetic, calculator, and computer tools.

(10) Express ideas, concepts, and relationships using mathematical terms and symbols, and language.

(11) Make connections among the various topics of mathematics and among mathematics and the other disciplines.

(d) English, Speech and Language Academic Achievement Standards. Alabama Students shall:

(1) Read with comprehension printed material from diverse sources from academic, work related, functional, and recreational material.

(2) Write with clarity for a variety of purposes and audiences including, but not limited to, research and creative writing papers and book reports at all secondary levels.

(3) Speak for a variety of purposes and to diverse audiences.

(4) Listen to and show they are able to comprehend and interpret oral presentations by teachers and other individuals.

(5) Demonstrate knowledge of the types, periods, and characteristics of literature from diverse cultures and places.

(6) Demonstrate competence in the use of grammar, spelling, sentence and paragraph structure and diagramming in oral and written communications.

(7) Use critical, creative, and logical thinking when reading, speaking, writing, listening, and observing.

(8) Use computers and other technologies to locate and organize information and express ideas.

(9) Demonstrate effective use of reference material and research skills.

(10) Demonstrate communication skills in a second language.

(e) Vocational and Career Academic Achievement Objectives. Alabama students shall:

(1) Identify potential career options and the education and training requirements for each prior to the eleventh and twelfth grade years of study.

(2) Explore personal aptitudes and interests and link them to career and employment opportunities.

(3) Attend career and higher education recruiting fairs and orientations sessions.

(4) Work independently and cooperatively in various settings to set goals, create solutions, manage resources, monitor progress, and complete tasks.

(5) Organize and allocate resources, access and use information, and identify and use technologies to produce an idea, process, or product.

(6) Use reasoning and problem-solving skills to make informed decisions.

(7) Demonstrate an understanding of management, labor and production functions within a business or industry.

(f) Health Education and Physical Education Academic Achievement Objectives. Alabama students shall:

(1) Demonstrate an understanding of the relationship among all aspects of personal hygiene and health.

(2) Implement a plan of personal fitness and wellness, and shall demonstrate such fitness and wellness.

(3) Demonstrate knowledge of the rules, regulations, and laws that have an impact on health and safety of individuals and communities.”

All of the above goals may be revised by the State Board of Education prior to August 1, 1994, provided any such revision must first be submitted to the Legislative Oversight Committee on Education Reform and approved by that Committee.

RECESS

At 11:45 A.M., on motion of Senator Wilson, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the Floyd amendment No. 2.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Horn, Langford, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -18

Nays:

- 0

Senator Owens offered the following amendment to the Bill, SB 75, as amended, to-wit:

OWENS AMENDMENT TO SB 75, AS AMENDED

On page 57, line 17, after the word “than” insert the following language:

75 percent of the compensation of

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Dial, Escott-Russell, Figures, Ghee, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -18

Nays:

- 0

Senator Bolling offered the following amendment to the Bill, SB 75, as amended, to-wit:

**BOLLING AMENDMENT
TO SB 75, AS AMENDED**

On page 91, delete lines 11 to 27 in their entirety and on page 92, delete lines 1 to 21 in their entirety and insert in lieu thereof the following:

Section 16-9A-8. Appointment or election of superintendent.

There shall be a county superintendent of education in each county of this state who shall act as the chief executive officer of the county board of education and who shall also be secretary of the county board of education. The county board of education of any county may appoint a county superintendent of education or a county superintendent of education may be elected by the qualified electors of the county as provided by Sections 16-9A-9 to 16-9A-15, inclusive.

Which was adopted.

Yeas 15 Nays 5

Yeas:

Senators:

Bailey, Barron, Bolling, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hill, Horn, Lipscomb, Mitchem, Owens, Parsons, and Smith (J) -15

Nays:

Senators:

deGraffenried, Little, Mitchell, Sanders, and Windom - 5

Senator Horn offered the following amendment to the Bill, SB 75, as amended, to-wit:

**HORN AMENDMENT
TO SB 75, AS AMENDED**

Amend SB 75, as amended, on page 76, at the beginning of line 8, by inserting the following language:

“Except for cities that have elected by local legislation to elect city boards of education or who may by local legislation choose to elect city board members the following shall apply.”

Which was adopted.

Yeas 8 Nays 0

Yeas:

Senators:

Bailey, Bolling, Floyd, Horn, Little, Mitchem, Parsons, and Windom - 8

Nays:

- 0

The President Pro Tempore and Presiding Officer declared a quorum present but not voting.

Senator Sanders offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**SANDERS AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 49, delete lines 12 to 17, inclusive, in their entirety and insert in lieu thereof the following:

deficiencies and in order to meet education performance standards, targeted compensatory assistance shall be provided to public schools to provide or expand effective instructional programs to improve student performance, prevent dropouts and prepare graduates for work or higher education, and the State Board of Education shall administer funds appropriated for this purpose. This targeted

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bedsole, Denton, Dial, Figures, Floyd, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -18

Nays:

- 0

RECESS

At 2:10 P.M., on motion of Senator Dixon, the Senate took a recess subject to the call of the Chair.

The recess period having expired, at 2:25 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended.

Senator Sanders offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

SANDERS AMENDMENT NO. 3 TO SB 75, AS AMENDED

On page 21, lines 20 to 22, inclusive, delete the following language:

The State Board of Education shall establish rules and regulations for the granting of the exemptions.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Owens, Sanders, Underwood, Waggoner, and Windom -20

Nays:

- 0

Senator Sanders offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

SANDERS AMENDMENT NO. 4 TO SB 75, AS AMENDED

On page 163, on line 23, after "(a)" insert the following language:

Each school shall provide extended structured learning opportunities, and the State Board of Education shall complete a plan for providing the same by April 22, 1994, unless the date is extended by an appropriate court order.

On page 164, on line 2, after the period, insert the following language:

Any child may voluntarily be enrolled in an extended structured learning opportunity if a place is available in the program he or she wishes to take, provided that places in such programs shall always be first available to those who need help in order to achieve performance standards.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Langford, Lindsey, Little, Owens, Parsons, Sanders, Wilson, and Windom -18

Nays:

- 0

Senator Bedsole offered the following amendment to the Bill, SB 75, as amended, to-wit:

**BEDSOLE AMENDMENT
TO SB 75, AS AMENDED**

On page 180, after line 22, add the following new Section 33 and renumber the remaining sections accordingly:

Section 33. Notwithstanding any provision of this act or existing law, a system of reporting by institutions of higher learning in this state shall be implemented and administered as provided in this section.

(a) Each institution shall prepare a comprehensive report designed to recommend and implement methods of improving the readiness of public high school students for entry to colleges and universities. This report shall be known as College Readiness Report.

(b) The College Readiness Report shall include, but not be limited to, the following information:

(1) Information on students who advance to their sophomore year.

(2) An assessment of the skills of students entering a college or university.

(3) An assessment of state and local educators in secondary education in their implementation of the requirements of this act.

(4) Data on students who graduate within a concise time period, and their average grade point average; specified by their respective curriculum.

(5) The percentage of students requiring college level remedial courses.

(6) Recommendation for bringing high school and college faculty together in academic alliances to exchange ideas and teaching strategies.

(c) Each institution of higher education in Alabama shall prepare a College Readiness Report for each Alabama high school having two or more students enrolled in its institution.

(d) College Readiness Reports shall be prepared twice annually and delivered each January 1, and each July 1, to the respective high school, with a copy sent to the State Board of Education.

(e) Private colleges are encouraged to voluntarily come under the provisions of this Act.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Horn, Lindsey, Little, Parsons, Sanders, Underwood, Waggoner, and Windom -20

Nays:

- 0

Senator Bailey offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

**BAILEY AMENDMENT NO. 3
TO SB 75, AS AMENDED**

On page 34, after line 9, insert the following language:

(3) Courses of study relating to language arts shall include provisions for phonics and whole language.

(4) The State Board of Education shall adopt necessary policies, procedures, rules, regulations, and/or standards to require college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics, and science teachers in order to ensure that such prospective teachers are properly prepared to teach the courses required by this section.

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Horn, Lindsey, Little, Parsons, Sanders, Underwood, Waggoner, and Windom -20

Nays:

- 0

Senator Sanders offered the following amendment No. 5 to the Bill, SB 75, as amended, to-wit:

**SANDERS AMENDMENT NO. 5
TO SB 75, AS AMENDED**

On page 173, on line 10, after the language “dysfunctional families,” add the following language:

Low income

On page 173, on line 21, after the word “establish” insert the language:

at least

On page 173, on line 23, after the period, insert the following sentence:

Such service centers may be located outside a school or in it, and may consist solely of personnel if a school can provide space and wishes to spend its funds only on people.

Which was adopted.

Yeas 11 Nays 9

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Escott-Russell, Figures, Floyd, Ghee, Horn, Lindsey, Owens, and Sanders -11

Nays:

Senators:

Barron, Bolling, Dial, Dixon, Ellis, Hill, Little, Wilson, and Windom - 9

Senator Waggoner offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

**WAGGONER AMENDMENT NO. 3
TO SB 75, AS AMENDED**

Amend page 38, line 9, following the words "by the use of nationally recognized" add the following words:

"normed-referenced"

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Waggoner offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

**WAGGONER AMENDMENT NO. 4
TO SB 75, AS AMENDED**

On page 46, line 6, after the period and quotation mark, insert the following sentence:

Provided, however, a school evaluated to be in the top 25 percent of all schools in the state based on a criteria established by the State Board of Education shall not be declared a "school in crisis".

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Escott-Russell offered the following amendment to the Bill, SB 75, as amended, to-wit:

**ESCOTT-RUSSELL AMENDMENT
TO SB 75, AS AMENDED**

On page 33, on line 9, after the period insert the following:

Each plan shall be a public document, available for inspection at reasonable times by students, parents, teachers, and other members of the local community.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Escott-Russell offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**ESCOTT-RUSSELL AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 43, line 16, after the word "be" delete "eligible to receive" and insert in lieu thereof the following:

provided upon application, as appropriate,

On page 44, line 2, after the "period" insert the following:

The local school board and superintendent shall be given a reason-

able time to assist a failing school in correcting performance problems prior to any actions taken under subsequent parts of this section.

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

Senator Dial offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

**DIAL AMENDMENT NO. 3
TO SB 75, AS AMENDED**

On page 180, after line 16, insert the following language as a new Section 32 and renumber the remaining sections accordingly.

Section 32. Any rule, regulation, plan, program, or entity established pursuant to this act shall be subject to the Alabama Administrative Procedure Act.

Which was adopted.

Yeas 23 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Ghee, Hill, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -23

Nays:

Senators:

Ellis and Lindsey

- 2

Senator Sanders offered the following amendment No. 6 to the Bill, SB 75, as amended, to-wit:

**SANDERS AMENDMENT NO. 6
TO SB 75, AS AMENDED**

On page 5, line 11, delete the word “elementary”.

On page 19, line 19, delete the word “elementary”.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Ghee, Horn, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -18

Nays:

- 0

Senator Bedsole offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

**BEDSOLE AMENDMENT NO. 2
TO SB 75, AS AMENDED**

On page 38, immediately after line 19, add the following new subsection (c):

(c) The State Board of Education shall develop and implement assessment strategies for student performance required by this section and this act with existing personnel, equipment, property, and funding to the extent possible. Appropriations to the State Department of Education for implementation of assessment strategies shall not exceed \$9,000,000 for the initial development of such strategies and shall not exceed \$5,300,000 for the annual implementation costs associated with such strategies over the current level of funding.

On motion of Senator Figures, said amendment was laid on the table.

Yeas 13 Nays 12

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Denton, Figures, Floyd, Ghee, Horn, Lindsey, Little, Sanders, Underwood, and Windom -13

Nays:

Senators:

Barron, Bedsole, Bolling, Dixon, Ellis, Hill, Mitchell, Mitchem, Owens, Parsons, Waggoner, and Wilson -12

Senator Dixon offered the following amendment No. 5 to the Bill, SB 75, as amended, to-wit:

**DIXON AMENDMENT NO. 5
TO SB 75, AS AMENDED**

On page 6, line 19, before the word “and” add the following language:

to provide a procedure for local boards of education with approved board plans for accountability to become exempt from the act;

On page 180, after line 22, add the following new Section 33 and renumber remaining sections accordingly:

Section 32. Notwithstanding any provision of this act to the contrary any local school board that has developed a local plan of education reform which has measurable accountability standards that are approved by the State Board of Education may elect to exempt its system from this act.

On motion of Senator Figures, said amendment was laid on the table.

Yeas 21 Nays 6

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Foshee, Ghee, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Wilson, and Windom -21

Nays:

Senators:

Barron, Dixon, Ellis, Hill, Lipscomb, and Mitchem - 6

Senator Sanders offered the following amendment No. 7 to the Bill, SB 75, as amended, to-wit:

**SANDERS AMENDMENT NO. 7
TO SB 75, AS AMENDED**

On page 40, line 20, after the word “factors” delete the word “may” and insert in lieu thereof the following:

shall

On page 40, line 21, after the first comma, insert the following:
retention rate,

On page 40, line 22, after the word “expulsion” insert the following:
, assignment to alternative school program,

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis,
Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey,
Little, Mitchell, Owens, Parsons, Sanders, Underwood, Wilson, and
Windom -24

Nays:

- 0

Senator Sanders offered the following amendment No. 8 to the Bill,
SB 75, as amended, to-wit:

**SANDERS AMENDMENT NO. 8
TO SB 75, AS AMENDED**

On page 77, delete line 27 and on page 78, delete lines 1 to 6,
inclusive, and insert in lieu thereof:

The local board of education may, consistent with criteria developed by the State Board of Education pursuant to Section 16-3A-7, consolidate or deconsolidate schools wherever it its judgment it is practicable, and arrange, if necessary, for the transportation of pupils to and from consolidated or deconsolidated schools, subject to this title.

On page 87, on line 18, after the word “consolidation” insert the following:

or deconsolidation

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-

Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Wilson, and Windom -24

Nays: - 0

Senator Dial offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

**DIAL AMENDMENT NO. 4
TO SB 75, AS AMENDED**

On page 181, after line 8, add the following new Section 35 and renumber the remaining sections accordingly:

Section 35. Notwithstanding the provisions of subsection (b) of Section 16-13-52.1, the county and city boards of education are relieved of their responsibilities not to reduce the number of teacher units employed from local funds as of August 12, 1987.

Which was adopted.

Yeas 21 Nays 1

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Wilson, and Windom -21

Nay: Senator Smith (J) - 1

Senator Bailey offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

**BAILEY AMENDMENT NO. 4
TO SB 75, AS AMENDED**

On page 57, line 11, after the letters "OSA" add the following language:

, who shall be confirmed by the Senate

Which was adopted.

Yeas 24 Nays 1

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nay: Senator Ellis

- 1

Senator Bailey offered the following amendment No. 5 to the Bill, SB 75, as amended, to-wit:

**BAILEY AMENDMENT NO. 5
TO SB 75, AS AMENDED**

Amend SB 75, as amended, by striking the following:

page 30, line 16 strike word "human"

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Wilson, and Windom -24

Nays:

- 0

MOTION TO ADJOURN

Senator Dixon moved that when the Senate adjourns today, it adjourn to meet again on Thursday, January 27, 1994, at 9 o'clock A.M., which motion was adopted.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended.

Senator Escott-Russell offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

**ESCOTT-RUSSELL AMENDMENT NO. 3
TO SB 75, AS AMENDED**

On page 24, line 4, after the period, insert the following language:

Training shall be based upon the assumption that staff understand and respect the diverse racial, ethnic, and cultural backgrounds of Alabama's children.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Wilson, and Windom-24

Nays:

- 0

Senator Escott-Russell then offered the following amendment No. 4 to the Bill, SB 75, as amended, to-wit:

**ESCOTT-RUSSELL AMENDMENT NO. 4
TO SB 75, AS AMENDED**

On page 51, line 7, after the "period" insert the following:

Those schools and school systems with the greatest need shall be given the highest priorities in the allocation of funds.

Which was adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Bailey, Bedsole, Campbell, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Wilson, and Windom -19

Nays:

Senators:

Dixon and Underwood

- 2

ADJOURNMENT

At 5:05 P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 75, the Senate adjourned until Thursday, January 27, 1994, at 9 o'clock A.M.

SEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 27, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Jack Floyd, Tenth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Sarah Elizabeth Bowsher, Shades Mountain Christian School, Birmingham, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-35

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

RESOLUTION

Senators Campbell, Owens, Foshee, Lindsey, Dial, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 25. DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

WHEREAS, Captain William James Hudson was born in DeKalb County, Alabama, October 10, 1886, and migrated with his family to Decatur, Alabama, near the turn of the century; and

WHEREAS, from his early boyhood, Captain Hudson's life revolved around the Tennessee River and, as a young lad, he earned spending money by carrying buckets of drinking water to the carpenters who built the wooden barges and tow boats; and

WHEREAS, Captain Hudson's love of the river continued to evolve and, as a young man, he was licensed by the United States Coast Guard as a Merchant Marine Officer and Master of Steam and/or Motor Vessels; and

WHEREAS, Captain Hudson was the first person to pilot a tug boat through the draw of the Keller Memorial Bridge and, over his career, he piloted over twenty-eight tug boats and also served as the overseer of the first tug boats owned by the Tennessee Valley Authority; and

WHEREAS, Captain Hudson's biography was admitted to the official archives of The National Rivers Hall of Fame in Dubuque, Iowa, and the legend of "Steamboat Bill" continues to live in the minds of those who knew him in life and maintain his memory in their hearts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new bridge which

is located on the Tennessee River between Morgan and Limestone Counties be named "The Captain William James Hudson Memorial Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Anita Hudson Burleson, granddaughter of Captain William James Hudson, as a memento of this honorary designation.

RESOLVED FURTHER, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating the "Captain William James Hudson Memorial Bridge," and that the State Department of Transportation be sent a copy of this resolution.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Mitchem:

S. 414. Relating to protective services for abused, infirm, incapacitated, neglected, exploited, sexually abused, emotionally abused, or maltreated adult persons; to amend Sections 38-9-2, 38-9-6, 38-9-7, 38-9-8, 38-9-9, and 38-9-10, Code of Alabama 1975, to provide definitional changes and penalties involving maltreatment of adult persons; require caregivers to report suspected cases of abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; require investigations within seven days following an oral report of abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; relieve the county departments of human resources from the requirement of investigating reports from certain penal and mental institutions; impose potential criminal liability for failing to report certain abuse, neglect, exploitation, sexual abuse, emotional abuse, and maltreatment; and provide further criminal penalties for prohibited acts of abuse, neglect, exploitation, sexual abuse, emotional abuse, or maltreatment.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senators Mitchell, Dial, Barron, Mitchem, Windom, Ellis, Dixon, Ghee, Owens, Waggoner, Bolling, Smith (J), Smith (B), Bedsole, and Lipscomb:

S. 415. Relating to all civil actions in tort, contract, or other-

wise against materialmen who provide labor, material, and supplies used in the construction of an improvement on or to real property; to provide a definite statute of limitations of three years after a cause of action accrues or arises in all such actions; to provide a bar to relief for all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement on or to the real property; to provide for an exception to the bar to relief with respect to actions accruing more than ten years after the substantial completion of construction of an improvement on or to real property where there is a written express warranty or indemnity which by the written terms thereof shall extend beyond the period of ten years; to provide when a cause of action accrues or arises; to provide that this act shall not apply to causes of action which have accrued prior to its effective date; and to provide that this act does not create any cause of action against materialmen or any other persons.

Committee on Judiciary/Civil

By Senators Mitchell, Dial, Barron, Mitchem, Windom, Ellis, Dixon, Ghee, Owens, Waggoner, Bolling, Smith (J), Smith (B), Bedsole, and Lipscomb:

S. 416. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of three years after a cause of action accrues or arises in certain cases; to provide that all causes of action and to all rights of action which accrue more than ten years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

Committee on Judiciary/Civil

By Senator Corbett:

S. 417. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract.

Committee on Banking
and Insurance

By Senator Corbett:

S. 418. To define the criteria for determining who is an “archaeologist.”

Committee on Economic Affairs

By Senator Windom:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator and certain other specified disclosures; to provide that the provisions of this act confirm, clarify, and are declaratory of existing law and apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; and to provide for an effective date.

Committee on Banking
and Insurance

By Senator Bailey:

S. 420. To propose the “Right to Read Act”; to provide further for the teaching of phonics in public schools; and to provide a minimal passing score in reading prior to advancement to the next grade level.

Committee on Education

By Senator Sanders (With Notice and Proof):

S. 421. Relating to Perry County; providing further for the distribution of the proceeds of the ad valorem taxes levied pursuant to Act No. 88-816, H. 309, 1988 Special Session.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 421, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Horn:

S. 422. To repeal Act No. 93-353, H. 516, 1993 Regular Session, now codified as Section 40-9-30, Code of Alabama 1975, which provides a sales, use, and rental tax exemption for oxygen or durable medical equipment which is supplied to a Medicare recipient.

Committee on Finance
and Taxation

By Senator Langford:

S. 423. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1990 census.

Committee on Rules

By Senator Horn:

S. 424. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Committee on Finance
and Taxation

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of inci-

dental fees in elementary schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-1-20.1, 16-1-20.2, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

as amended, which said amendments are set out in the Journal of the Senate for the Fifth and Sixth Legislative Days.

Senator Floyd offered the following amendment No. 3 to the Bill, SB 75, as amended, to-wit:

FLOYD AMENDMENT NO. 3 TO SB 75, AS AMENDED

On page 180, after line 16, insert the following as a new Section 32 and renumber subsequent sections accordingly:

Section 32. Notwithstanding any law to the contrary, the interests of a municipal governing body official whose spouse is employed by the city board of education is not a special financial interest for the purposes of voting on appointments to the city board of education and approving general appropriations for schools.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, and Windom -24

Nays:

- 0

Senator Lindsey offered the following amendment to the Bill, SB 75, as amended, to-wit:

LINDSEY AMENDMENT TO SB 75, AS AMENDED

On page 61, on line 21, delete the language “certified” and insert in lieu thereof:

certificated and noncertificated

Which was adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Amari, Bailey, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -20

Nays:

- 0

Senator Bailey offered the following amendment No. 6 to the Bill, SB 75, as amended, to-wit:

BAILEY AMENDMENT NO. 6 TO SB 75, AS AMENDED

On page 31, on line 6, after the sentence ending “values.” by inserting the following new sentence:

Students shall not in any way be tested, surveyed, evaluated, measured, or graded on their values or the values of their families. School personnel shall be prohibited from using any techniques in the classroom that involve the induction of hypnotic states, guided imagery, meditation or yoga.

Which was adopted.

Yeas 20 Nays 1
Abstaining 1

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dixon, Escott-Russell, Ghee, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -20

Nay: Senator Ellis - 1

Abstaining: Senator Figures - 1

Senator Bailey then offered the following amendment No. 7 to the Bill, SB 75, as amended, to-wit:

BAILEY AMENDMENT NO. 7 TO SB 75, AS AMENDED

On page 31, on line 9, by inserting the following new subsection and renumbering subsequent subsections accordingly:

(14) Parents or guardians shall be notified if or when sex education classes as defined by the State Board of Education are going to be taught and shall have the authority to opt their students out of such classes. Meaningful activities shall be provided for students who are opted out of sex education classes.

Which was adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Dixon, Ellis, Lindsey, Lipscomb, Little, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -18

Nay: Senator Floyd - 1

Senator Owens offered the following amendment No. 2 to the Bill, SB 75, as amended, to-wit:

OWENS AMENDMENT NO. 2 TO SB 75, AS AMENDED

On page 173, line 25, add the following language:

Community Service Centers shall be funded only after every other office, program, mandate, service, or other requirement of this act is fully funded for each fiscal year.

Senator Figures moved that said amendment be laid on the table, which motion was lost.

Yeas 11 Nays 13

Yeas:

Senators:

Campbell, deGraffenried, Denton, Escott-Russell, Figures, Horn, Langford, Lindsey, Little, Sanders, and Wilson -11

Nays:

Senators:

Barron, Bolling, Dial, Dixon, Ellis, Hill, Lipscomb, Mitchell, Mitchem, Owens, Underwood, Waggoner, and Windom -13

And said Owens amendment No. 2 was then adopted.

Yeas 18 Nays 7

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Denton, Dial, Dixon, Ellis, Hill, Lipscomb, Mitchell, Mitchem, Owens, Smith (J), Waggoner, Wilson, and Windom -18

Nays:

Senators:

deGraffenried, Figures, Horn, Langford, Lindsey, Little, and Sanders - 7

Senator Amari offered the following amendment to the Bill, SB 75, as amended, to-wit:

AMARI AMENDMENT TO SB 75, AS AMENDED

On page 173, on line 25, by adding the following:

Parents or guardians shall always be recognized as the sole authority for their children and parental permission must be given for treatment of students in school-related centers. It is prohibited to furnish contraceptives to students. School personnel who participate in these prohibited activities may be subject to dismissal.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 25. DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

Also:

SJR 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

Also:

SJR 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the Amari amendment.

On motion of Senator Figures, said amendment was laid on the table.

Yeas 15 Nays 12

Yeas:

Senators:

Bailey, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Langford, Lindsey, Sanders, and Wilson -15

Nays:

Senators:

Amari, Barron, Bolling, Hill, Lipscomb, Little, Mitchell, Parsons, Smith (J), Underwood, Waggoner, and Windom -12

Senator Mitchell offered the following substitute for the Bill, SB 75, as amended, to-wit:

MITCHELL SUBSTITUTE FOR SB 75, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To provide for "The Alabama Excellence in Education Act of 1994"; to amend Section 12-15-13, Code of Alabama 1975, relating to the delinquency of children, to provide that a parent or guardian may be punished for certain conduct of the child in public schools and to prescribe penalties; to amend Chapters 1, 3, 4, 8, 10, 11, 13, 23, 27, 35, 36, and 60 of Title 16, Code of Alabama 1975, relating to education, to provide standards for equal and adequate educational opportunities in all public schools of the state; to amend Section 25 of "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session, to provide that all mandates of this act shall be implemented after passage of the act and signature of the Governor; to provide for certain penalties for violating certain injunctions concerning school safety; and to specifically repeal Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "The Alabama Excellence in Education Act of 1994."

Section 2. On March 31, 1993, Circuit Court Judge Eugene W. Reese issued an order in Alabama Coalition for Equity et al. v. Folsom et al., requiring the State of Alabama to provide "equitable and adequate educational opportunities." It is the intent of the Legislature to amend "The Alabama Education Improvement Act of 1991," Act 91-323, 1991 Regular Session (Acts 1991, p. 602), to comply with Judge Reese's order and to implement the 1991 act.

This act addresses only the adequacy of educational opportunities portions of Judge Reese's order; it does not address the equity funding portions of the Judge's order.

In attempting to define adequacy of educational opportunities, Judge Reese stated:

"The Court understands the term 'educational opportunities' to

mean, in the broadest sense, the educational facilities, programs and services provided for students in Alabama's public schools, grades K-12, and the opportunity to benefit from those facilities, programs and services. 'Equal' educational opportunities need not necessarily be strictly equal or precisely uniform, whether these opportunities are discussed in terms of school funding, of the programs purchased with such funds, or the actual educational benefits offered. 'Equality of benefit does not import identity of benefit, which is obviously impracticable.' *Southern Railway Company v. St. Clair County*, 27 So. 23, 27 (Ala. 1899)."

The Court decreed that Alabama school-age children, including children with disabilities, have and enjoy a constitutional right to attend school in a liberal system of public schools, established, organized, and maintained by the state, which shall provide all such schoolchildren with substantially equitable and adequate educational opportunities. Adequate educational opportunities shall consist of, at a minimum, an education that provides students with opportunity to attain all of the following:

(1) Sufficient oral and written communication skills to function in Alabama, and at the national and international levels, in the coming years.

(2) Sufficient mathematic and scientific skills to function in Alabama, and at the national and international levels, in the coming years.

(3) Sufficient knowledge of economic, social, and political systems generally and of the history, politics, and social structure of Alabama and the United States, specifically, to enable the student to make informed choices.

(4) Sufficient understanding of governmental processes and of basic civic institutions to enable the student to understand and contribute to the issues that affect his or her community, state, and nation.

(5) Sufficient self-knowledge and knowledge of principles of health and mental hygiene to enable the student to monitor and contribute to his or her own physical and mental well-being.

(6) Sufficient understanding of the arts to enable each student to appreciate his or her cultural heritage and the cultural heritages of others.

(7) Sufficient training or preparation for advanced training in academic or vocational skills and sufficient guidance to enable each child to choose and pursue life work intelligently.

(8) Sufficient levels of academic or vocational skills to enable public

school students to compete favorably with their counterparts in Alabama, in surrounding states, across the nation, and throughout the world in academics or in the job market.

(9) Sufficient support and guidance so that every student feels a sense of self-worth and ability to achieve, and so that every student is encouraged to live up to his or her full human potential.

The Legislature agrees that Alabama students shall be offered the opportunity to learn and finds that the State of Alabama will be in compliance with constitutional standards on adequacy of educational opportunities by the passage and implementation of this act which requires a mandatory core curriculum and recognizes video distance learning technology as a means of providing educational opportunities in school systems that have not offered or could not justify the cost of hiring teachers to provide such opportunities; by the availability of elective courses; by the availability of vocational courses and programs; and by the availability of an aptitude with interest survey and guidance counselors to enable students to choose life work intelligently.

Judge Reese stated that, "This Court is not empowered to determine whether the Alabama education system is sufficient to meet standards or achieve purposes that the Court might itself prefer." The Legislature is so empowered. The Legislature acknowledges the need to have one source to look to for "evolving standards of educational adequacy," rather than being driven to and fro by the winds of each new educational fad. Therefore, the Legislature finds that the State of Alabama shall be guided by the educational standards adopted by this Legislature as required by the Constitution of Alabama of 1901 and amended from time to time upon the recommendation of the State Board of Education.

Section 3. The Legislature finds that it is necessary to have a single source to look to for our state's "evolving standards of educational adequacy." The Legislature finds that the State of Alabama shall be guided by the following educational standards adopted by this Legislature and as amended from time to time upon the recommendation of the State Board of Education:

(1) The public schools of Alabama shall provide students with substantially equitable and adequate educational opportunities.

a. "Adequate" educational opportunities provide students with the opportunity to acquire the knowledge to perform their roles as citizens and competitors in society.

b. "Educational opportunities" means, in the broadest sense, the educational facilities, programs, and services provided for students in the public schools of Alabama, grades K-12, and the opportunity to benefit from those facilities, programs, and services. Educational opportunities are provided by both required courses and elective courses.

c. "Equitable" educational opportunities need not necessarily be strictly equal or precisely uniform, whether these opportunities are discussed in terms of school funding, of the programs purchased with such funds, or the actual educational benefits offered. Equality of benefit does not import identity of benefit, which is obviously impracticable.

(2) For the purpose of ensuring that adequate educational opportunities are provided to students to acquire the knowledge to perform their roles as citizens and competitors in society, the State of Alabama shall be committed to a core academic curriculum of English, mathematics, science, and social studies with an emphasis on history, geography, economics, and political science, and elective courses including, but not limited to, foreign languages, fine arts, physical education, and vocational and technical preparation.

(3) To assist students in acquiring the knowledge to perform their roles as citizens and competitors in society, student progress shall be uniformly measured by objective tests of knowledge and skills and reported to the parent or guardian of each student. Students shall not in any way be tested, surveyed, evaluated, measured, or graded on their values or the values of their families. Students shall be taught a broad range of information not confined to limited pre-determined outcomes or capacities.

(4) To perpetuate a civilized society, all curricula shall be expected to affirm the laws of the State of Alabama, including recognized community and family standards of honesty, integrity, responsibility, self-control, respect for authority, and respect for the possessions and personhood of others. At every opportunity, all school personnel and students shall manifest in their character and behavior the aforementioned standards.

(5) Equal educational opportunities shall be provided to all students without regard to race or socio-economic status.

(6) Students with disabilities have the right to appropriate instruction and special services.

Section 4. (a) It is the intent of the Legislature to benefit the students in the public schools of Alabama by ensuring that the major portion of tax revenues go to classroom instruction instead of increased bureaucracy.

(b) For the purposes of this section, the term "classroom instruction" includes teacher salaries and benefits, substitute teacher expenses, textbooks, instructional materials and supplies, in-school educational media services, and technology-related hardware and software.

(c) Beginning with the 1994-95 academic year, a minimum of 55 percent of all tax revenues for education shall go to classroom instruction. The minimum percentage of tax revenues for education required to go to classroom instruction shall be increased by two percent each academic year until it reaches 67 percent.

(d) The State Board of Education shall oversee the implementation and enforcement of the requirements of this section and is authorized to establish rules and regulations and set conditions necessary for those purposes.

Section 5. Section 12-15-13, Code of Alabama 1975, is amended to read as follows:

"§ 12-15-13.

"(a) It shall be unlawful for any parent, guardian, or other person to willfully aid, encourage or cause any child to become or remain delinquent, dependent, or in need of supervision, or by words, acts, threats, commands or persuasions, to induce or endeavor to induce, aid, or encourage any child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause ~~such the~~ child to become or remain delinquent, dependent, or in need of supervision or by the neglect of any lawful duty or in any other manner contribute to the delinquency, dependency, or need of supervision of a child. The employment of any child in violation of any of the provisions of the child labor law, or permitting, conniving at, aiding or abetting such employment shall be held to be encouraging, causing, and contributing to the delinquency, dependency, or need of supervision of such child. Failure on the part of any parent, guardian, or other person having custody of the child to cause ~~such the~~ child to attend school as required by the compulsory attendance law shall be held to be encouraging, causing, and contributing to the delinquency, dependency, or need of supervision of such child.

"(b) A person shall also be deemed to have contributed to the delinquency of a minor who is the parent or legal guardian of any minor who repeatedly exhibits disruptive classroom behavior in the public schools of Alabama. Such failure may be cause for the parent or guardian to be brought before the court upon affidavit of probable cause being filed by the principal of the public school attended by the child or the classroom teacher

of the child. The affidavit shall outline the disruptive behavior exhibited by the child and outline efforts made by the school to secure parental or guardian cooperation in correcting the child's problem. The affidavit shall show that the parent or guardian has failed to attend conferences with school officials relative to the child's problem or has refused to implement corrective measures requested by school officials. It shall be conclusive evidence that a child exhibits disruptive behavior problems of sufficient nature for the school to require parental assistance with the child's problems if the child is at least two years behind grade level; has failed to acquire essential skills needed to succeed on the appropriate grade level; is a student with a history of poor attendance; or has disruptive behavioral problems as determined by written policy of the local or State Board of Education.

"It shall also be considered conclusive evidence that parental or guardian assistance with a child's problems warrants the demand of the school for assistance if the child has been found to have brought a dangerous weapon to the school or to any school-sponsored event. Other disruptive behavioral or academic problems of a child may be cause for a finding that a parent or guardian was properly required by school officials to actively assist them in correcting the child's behavior as determined by the court.

"In the event that a parent or guardian is found to be guilty under this subsection, the court may impose a fine of up to one thousand dollars (\$1,000) on the parent or legal guardian or in lieu of a fine is authorized to impose any or all of the following remedies:

"(1) Order that the child may not participate in extracurricular activities for up to one scholastic year.

"(2) Require the parent or guardian and child to report to a juvenile probation officer for up to one scholastic year during which time the parent or legal guardian shall provide evidence that all academic assignments of the child's teachers have been timely completed.

"(3) Order such other corrective and preventive acts as the court may deem warranted.

"(b)(c) Whenever, in the course of any proceedings under this chapter or when, by affidavit as provided in this subsection, it shall appear to the juvenile court that a parent, guardian, or other person having custody, control, or supervision of a child or any other person not standing in any such relation to such child has aided, encouraged, or caused such child to become delinquent, dependent, or in need of supervision, as defined in this chapter, or has by words, act, or omission contributed thereto or has, by

threats, commands, or persuasion, induced or endeavored to induce, aided, or encouraged such child to do or perform any act or to follow any course of conduct which would cause or manifestly tend to cause ~~such the~~ child to become or remain delinquent, dependent, or in need of supervision, the court shall, for the protection of ~~such the~~ child from such influences, have jurisdiction in such matters, as provided in this section. The court shall cause ~~such the~~ parent, guardian, or other person to be brought before it upon either summons or a warrant, affidavit of probable cause having first been made.

~~“(e)(d)~~ Whoever violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than ~~\$500.00~~ five hundred dollars (\$500) or sentenced to hard labor for the county for a period not to exceed 12 months or both.

~~“(d)(e)~~ Upon conviction, the court shall have the power to suspend any sentence, remit any fine, or place such person on probation under such orders, directives or conditions for his or her discipline and supervision as the court deems fit.”

Section 6. Sections 16-1-14, 16-1-24.1, 16-3-11, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20.1, 16-4-1, 16-4-4, 16-4-7, 16-4-8, 16-4-9, 16-4-10, 16-8-10, 16-10-1, 16-10-2, 16-10-9, 16-11-18, 16-13-52.1, 16-23-1, 16-23-14, 16-27-1, 16-27-6, 16-35-5, 16-36-1, 16-36-2, 16-36-4, 16-36-5, 16-36-10, 16-36-26, 16-36-27, 16-60-111.1, 16-60-111.2, 16-60-111.6, and 16-60-111.8, Code of Alabama 1975, are amended to read as follows:

“§ 16-1-14.

“(a) Any city, county, or other local public school board may prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and may in its discretion require the grouping of pupils based upon considerations of discipline and may remove, isolate, separate, or group pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Such removal, isolation, separation, or grouping may not deprive such pupils of their full right to an equal and adequate education as otherwise provided in this act and all other provisions of law (and all regulations adopted pursuant to such provisions of law) which implement this act.

“(b) Every public school may remove privileges from individual students who are in violation of the school’s discipline standard, including,

but not limited to, the removal of athletic and extra-curricular activity privileges.

“(c) Every public school may require students who violate school rules to spend time in detention hall, studying under the supervision of a teacher.

“(d) Every public school may require students who violate school rules to serve a predetermined number of hours in community service or service to the school under the supervision of an authority appointed by the school.

“(e) Every teacher and any other school personnel may, when pupils are under his or her charge, take any disciplinary or other appropriate action which is then reasonably necessary to maintain order or to carry out, or to prevent an interference with, the educational function of which the teacher or other school personnel is then in charge.

“(f) Every public school may actively teach the governing principles behind school discipline policies, including honesty; courtesy; obedience to the law; respect for authority; respect for parents and the home; the dignity and necessity of honest labor; and respect for the flag of the United States of America, the flag of the State of Alabama, the Constitution of the United States, and the Constitution of the State of Alabama.

“(g) Every public school may enforce a mandatory dress code.

“(h) Every public school may implement, at the sole discretion of the school, an exclusionary dress code in which students may be prohibited from wearing certain items delineated by the school in the school manual or in supplements to the manual.

“§ 16-1-24.1.

“(a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug-free for all students and school employees.

“(b) The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and

school employees. The state board of education shall require local school systems to modify their policies, practices, or procedures ~~so as~~ to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from ~~the provisions of~~ section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. ~~Such~~ The discipline plan shall also include uniform drug-free school policies with uniform penalties.

~~“(c)~~ Any person who violates policies concerning illegal drugs, alcohol, or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, the complaint being signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend ~~and/or or~~ or initiate criminal charges, or both, against a student shall include a review and consideration of the student’s exceptional status, if applicable, under chapter 39, Title 16, or appropriate federal, statutory, and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, ~~such~~ the person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from ~~such the~~ conduct have been disposed of by proper authorities, and ~~such violator(s) have~~ the violator has satisfied all other requirements imposed by the local school system as a condition for readmission.

~~“(b)(d) No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the legislature that all persons violating policies concerning illegal drugs, alcohol, or weapons be prosecuted under appropriate laws of the state of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.~~

~~“(e)(e)(1)~~ A copy of the school system’s discipline plan shall be distributed to all students enrolled in the system and their parents, guardians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to ensure that its policies and procedures

are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

“(2) All discipline plans of school systems shall include, but not be limited to, the following:

“a. A parent, guardian, or custodian of a minor child enrolled in a public school system shall be responsible financially for ~~such the~~ child’s destructive acts against school property or persons;.

“b. A parent, guardian, or custodian of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection ~~(a)(b); and,~~

“c. A parent, guardian, or custodian of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required ~~under this provision~~ to attend ~~such the~~ discipline conference specified in paragraph b. ~~of this subdivision (2).~~

“(3) Any public school system ~~shall be entitled to~~ may recover actual damages, plus necessary court costs, from the parent ~~and/or or~~ guardian, or both, of any minor who maliciously and willfully damages or destroys property belonging to ~~such the~~ school system. ~~However, this~~ This section shall not apply to parents whose parental control of ~~such the~~ child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from ~~such the~~ impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain; and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents ~~and/or or~~ guardian, for damages to which ~~such the~~ minor other person would otherwise be liable.

“(4) ~~The provisions of this~~ This section shall apply only to acts committed on or after August 1, ~~1992~~ 1994.

“(f) Educational success cannot be achieved in an atmosphere of danger, fear, and intimidation. Threats of serious property damage, severe bodily injury, or death by any student against another student, teacher, administrator, or school staff member are prohibited. The following procedure shall apply in such cases:

“(1) Any student, teacher, administrator, or other school staff member who is threatened with serious property damage, severe bodily injury,

or death by a student may file harassment charges against the student making the threat, and upon reasonable proof that the threat was made, the court shall enjoin the student from all contact with the person so threatened.

“(2) The court shall further enjoin the student from entering upon school property if the person threatened is a student, teacher, administrator, or other school staff member of that school.

“(3) Injunctions issued under this section shall be served on both the student and the parent or guardian of the student. A student judicially expelled from school shall be jointly responsible with his or her parent or guardian to enroll in another school or face the violation and consequences of the Alabama truancy laws.

“(4) Professional associations may file suits on behalf of any member so threatened.

“(5) Violation of the injunction shall be punishable, at the discretion of the judge, by a fine against the parent or guardian of up to one thousand dollars (\$1,000), or a jail sentence against the offending student of up to 90 days if the student is 16 years or older. Students under the age of 16 who violate the injunction may be detained by the juvenile court system as the judge determines.

“(d)(g) The local school board shall adopt and make available to all teachers, school personnel, students, and parents or guardians, at the beginning of the ~~1992-93~~ 1994-95 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to:

“(1) Specific grounds for disciplinary action;

“(2) Procedures to be followed for acts requiring discipline; and,

“(3) An explanation of the responsibilities and rights of students with regard to attendance; respect for persons and property; knowledge and observation of rules of conduct; the right to learn; free speech and student publications; ~~free exercise of religion; and~~ assembly, privacy, and participation in school programs and activities.

“(e)(h) Except in the case of excessive force or cruel and unusual

punishment, no certified or non-certified employee of the state board of education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

“§ 16-3-11.

“(a) The state board of education shall exercise, through the state superintendent of education and his or her professional assistants, general control and supervision over the public schools of the state, except institutions of higher learning which by law are under the general supervision and control of a board of trustees, and shall consult with and advise through its executive officer and his or her professional assistants, county boards of education, city ~~and town~~ boards of education, superintendents of schools, school trustees, attendance officers, principals, teachers, supervisors, and interested citizens, and shall seek in every way to direct and develop public sentiment in support of public education.

“(b) The State Board of Education may hire its own private legal counsel to represent and advise it in all legal matters.

“§ 16-3-15.

“(a) The following words and phrases used in this section shall, ~~in the absence of a clear implication otherwise, be given the following respective interpretations~~ have the following meanings:

“(2)(1) ELECTIVE COURSES. Courses which are neither mandatory nor required to be taken by any student enrolled in public schools in the State of Alabama.

“(1)(2) REQUIRED COURSES. Courses which are mandatory and required to be taken by every student enrolled in public schools in the State of Alabama, grades nine ~~through~~ to 12, inclusive.

“(b) The Alabama Legislature finds that Alabama students must become more literate in the basic skills needed to compete successfully in an increasingly global economy. The legislature further finds that the English language is a common bond that holds our society together. It is necessary that the State Board of Education adopt curriculum policies to ensure that Alabama students have a command of the spoken and written English language. The legislature further finds that students in Alabama schools are not receiving an adequate social studies education.

“The Legislature further finds that knowledge of foreign languages

is becoming increasingly necessary for the economic growth of our state. The State Board of Education shall place more emphasis on the study of foreign languages and may mandate foreign language courses for students in public elementary and secondary schools, and in the number of credit units as determined to be appropriate by the State Board of Education.

“The legislature further finds that in Alabama schools, students earning a standard high school diploma are only required to earn two credits of mathematics after they enter the ninth grade and prior to graduation. The legislature further finds that special attention must be given to the Alabama course of study in science. The State Board of Education shall mandate but not be limited to requiring the following courses for grades nine ~~through to~~ to 12, inclusive, in all public schools in the State of Alabama, phased in beginning with students entering ninth grade in the ~~1992-93~~ 1994-95 academic year:

“(1) Four years (equivalent of four credit units) of English~~;~~,

“(2) Four years (equivalent of four credit units) of mathematics; ~~including but not limited to material designed to ensure that no high school student fails to learn basic mathematical skills and computer literacy required from among the following courses: Pre-Algebra, Algebra I, Plane and Solid Geometry, Algebra II and Trigonometry, Statistics and Probability (1 Semester), Pre-Calculus (1 Semester), Calculus, Computer Science, and Math Analysis. This list does not preclude other rigorous academic mathematic subjects being added. Remedial mathematics may be permitted under special circumstances where the student's teacher, principal, and parent or guardian agree it would best serve the individual student's needs, with the parent or guardian making the final decision;~~

“(3) Four years (equivalent of four credit units) of science~~;~~ and,

“(4) Four years (equivalent of four credit units) of social studies with an emphasis on history, geography, economics, and political science. History courses shall include material on the history of the United States and the Constitution of the United States. The legislature further recommends that the curriculum content of American History shall include the teaching of important historical documents such as the Constitution of the United States, The Declaration of Independence, The Emancipation Proclamation, The Federalist Papers, and other ~~such~~ documents important to the history and heritage of the United States.

“(c) It is the intent of the legislature that ~~the content of the required courses be developed based on the learner outcomes as defined in Section 16-3-18.1. These learner outcomes shall be based on criterion-referenced~~

~~tests. Furthermore,~~ credit for required basic core academic courses may be earned in conjunction with vocational courses ~~and/or~~ or programs, ~~or both~~. The legislature further recognizes that the required courses may make it difficult to schedule students in vocational programs earning two or more credits annually. It is the intent of the legislature that local boards of education continue to offer and schedule students into ~~such~~ vocational programs. ~~Therefore, the legislature directs the~~ The state and local boards of education ~~to shall~~ develop flexible scheduling, integrated curriculums, and all other methods necessary to ensure the continued successes of ~~such~~ vocational programs.

“(d)(1) The education program for secondary schools shall be designed to ensure that no student is locked into a particular specialty. Students shall be given appropriate notice and opportunity to change between occupationally oriented and college preparatory courses at the end of any semester or at other appropriate times as determined by the local board of education.

“(2) It is the intent of the Legislature that the public schools of Alabama shall not track students or design programs and course offerings that foreclose educational and occupational options for students because of factors such as socio-economic status, race, gender, ability, or disability. It is the intent of the Legislature that all students be encouraged to achieve to their fullest potential. Programs shall be designed to permit all students to be challenged at an appropriate level. Schools may group students within a grade level by particular subject areas with students who are achieving at a similar rate and level. This grouping shall be done in a flexible way so that students may move to another group as their achievement level warrants. This grouping shall not be used to track students but to enhance progress for all.

“(d)(e) It is the intent of the legislature that, in addition to the required courses, elective courses, including, but not limited to, foreign languages, fine arts, physical education, and vocational and technical preparation, be available to all students.

“(1) The State Board of Education may approve any elective courses as it may deem appropriate for public schools in the State of Alabama.

“(2) In the event a city or county board of education has met all performance-based accreditation standards and promotion and retention standards contained in the Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323) and all other such provisions of the Code, such local board may approve elective courses in addition to the required courses set forth in this section and elective courses approved by the State Board of

Education pursuant to subdivision (1); provided, however, that if a local board approves an elective course previously approved by the State Board of Education, then, in that event, the local school board is required to use any course content approved by the State Board of Education for such elective.

~~“(3) In the event a city or county board of education has not met all requirements of performance-based accreditation standards and promotion and retention standards contained in the Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323) and all other such provisions of the Code, such local board shall offer only elective courses approved by the State Board of Education pursuant to subdivision (1):~~

~~“(c)(f)~~ The State Board of Education shall adopt necessary policies, procedures, rules, regulations, ~~and/or~~ and standards to require that:

“(1) The required courses set forth in this section ~~must~~ shall be taken by every student enrolled in grades nine ~~through to~~ through to 12, ~~inclusive~~, of public schools in the State of Alabama, phased in beginning with students entering the ninth grade in the ~~1992-93~~ 1994-95 academic year.

“(2) The required courses set forth in this section ~~must~~ shall be ~~successfully~~ passed by a student enrolled in grades nine ~~through to~~ through to 12, ~~inclusive~~, of public schools in the State of Alabama prior to ~~such the~~ student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the ~~1992-93~~ 1994-95 academic year ~~provided, however,~~ However, students identified as eligible for special education services as provided by federal and state law shall be required to meet the ~~provisions set forth in requirements of~~ the individual education plan prescribed to meet their individual needs as required by law.

“(3) A certain number of elective courses ~~must be successfully~~ shall be passed by a student enrolled in grades nine ~~through to~~ through to 12, ~~inclusive~~, of public schools in the State of Alabama prior to ~~such the~~ student's graduation or receipt of a diploma, phased in beginning with students entering the ninth grade in the ~~1992-93~~ 1994-95 academic year.

“(4) Other provisions which may be necessary to fully implement this section so long as ~~such the~~ provisions are consistent with all requirements, restrictions, definitions, and limitations of this section.

~~“(f)(g)~~ The State Board of Education, ~~on considering~~ and considering the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public elementary and high schools in the state, ~~and shall fix the maximum number of books which are~~

~~compulsory in each grade of the elementary schools.~~ In every elementary school in the state there shall be taught at least reading, spelling, handwriting, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training, and ~~such other studies as may be prescribed by the State Board of Education~~ local board of education. ~~Moreover, the~~ The State Board of Education shall require the following courses for grades one ~~through to~~ through to eight, ~~inclusive,~~ in all public schools in the state, phased in beginning with students entering grades one ~~through to~~ through to eight, ~~inclusive,~~ in the ~~1992-93~~ 1994-95 academic year: English, social studies, mathematics, and science ~~should shall~~ be taught each year in grades one ~~through to~~ through to eight, ~~inclusive.~~ English courses shall include, but not be limited to, material designed to develop language arts, such as reading, writing, speaking, and listening skills. Social studies courses shall emphasize geography and history of the United States and Alabama.

~~“(g)(h)~~ The State Board of Education shall adopt necessary policies, procedures, rules, regulations, ~~and/or and~~ standards to ~~encourage re-~~ quire college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics, and science teachers in order to ensure that ~~such~~ prospective teachers are properly prepared to teach the courses required by this section.

“(i) The State Board of education shall adopt and order the implementation of the following learning goals and academic achievement objectives as and shall require these goals and objectives to be prerequisites to graduating from high school following the 1998-99 school year.

(a) Social Studies achievement objectives. Alabama students shall:

(1) Demonstrate an understanding of the major and diverse historical and geographical themes in the study of Alabama, the United States of America, and the world.

(2) Demonstrate an understanding of current events in Alabama, the United States of America, and the world.

(3) Demonstrate an understanding of the economic systems of the United States of America and the world and how those systems impact consumption and production choices in the marketplace.

(4) Demonstrate an understanding of the role of the United States of America citizen, of American constitutional democracy, and of other forms of government.

(5) Show how to use literature, documents, maps and globes in researching and explaining topics of historical and current interest.

(6) Show how to use current technology as a tool for communication and research.

(7) Show how they can make informed decisions using analytical skills.

(b) Science Academic Achievement Objectives. Public school students will:

(1) Demonstrate an understanding of the dynamic nature of the Earth and universe

(2) Demonstrate an understanding of the fundamental concepts in the areas of biology, physical science, zoology, other life sciences, chemistry and physics.

(3) Demonstrate an understanding in the physical sciences with emphasis on the nature of matter, changes in matter and energy, the laws of motion, and the forces of nature.

(4) Construct and develop science projects at each secondary grade level and shall demonstrate the safe and proficient use of scientific equipment such as thermometers, microscopes, balances, computers and electronic probes.

(5) Demonstrate an understanding of the scientific method and the historical significance of the study of science.

(6) Apply and appropriately integrate scientific knowledge and thinking/process skills through observation, classification, inference, prediction and the formulation of models.

(7) Plan, complete, and evaluate investigations and communicate results by developing science projects and papers.

(c) Mathematics Academic Achievement Objectives. Alabama students will:

(1) Apply mathematical processes in a variety of situations (such as, personal, academic, consumer, and career).

(2) Solve problems applying a variety of mathematical approaches

such as addition, subtraction, multiplication and division of numbers and fractions.

(3) Use geometry to measure the volume, width, length and height of various objects.

(4) Show proficient use of data analysis techniques, statistical methods, and probability concepts to describe and analyze data and to make decisions and predictions regarding such data.

(5) Apply geometric concepts to problems dealing with symmetry, similarity and other fundamental approaches.

(6) Show they can perform inverse operations, factoring, and simplifying irrational expressions in algebra.

(7) Show they understand how to use graphs, formulas, spreadsheets, and physical models.

(8) Show a proficient understanding of how to use logical reasoning skills to solve problems, analyze data, prove conjectures, test validity of arguments, and establish relationships.

(9) Show how to perform mathematical problems and equations through the use of paper and pencil, mental arithmetic, calculator, and computer tools.

(10) Express ideas, concepts, and relationships using mathematical terms and symbols, and language.

(11) Make connections among the various topics of mathematics and among mathematics and the other disciplines.

(d) English, Speech and Language Academic Achievement Standards. Alabama Students shall:

(1) Read with comprehension printed material from diverse sources from academic, work related, functional, and recreational material.

(2) Write with clarity for a variety of purposes and audiences including, but not limited to, research and creative writing papers and book reports at all secondary levels.

(3) Speak for a variety of purposes and to diverse audiences.

(4) Listen to and show they are able to comprehend and interpret oral presentations by teachers and other individuals.

(5) Demonstrate knowledge of the types, periods, and characteristics of literature from diverse cultures and places.

(6) Demonstrate competence in the use of grammar, spelling, sentence and paragraph structure and diagramming in oral and written communications.

(7) Use critical, creative, and logical thinking when reading, speaking, writing, listening, and observing.

(8) Use computers and other technologies to locate and organize information and express ideas.

(9) Demonstrate effective use of reference material and research skills.

(10) Demonstrate communication skills in a second language.

(e) Vocational and Career Academic Achievement Objectives. Alabama students shall:

(1) Identify potential career options and the education and training requirements for each prior to the eleventh and twelfth grade years of study.

(2) Explore personal aptitudes and interests and link them to career and employment opportunities.

(3) Attend career and higher education recruiting fairs and orientations sessions.

(4) Work independently and cooperatively in various settings to set goals, create solutions, manage resources, monitor progress, and complete tasks.

(5) Organize and allocate resources, access and use information, and identify and use technologies to produce an idea, process, or product.

(6) Use reasoning and problem-solving skills to make informed decisions.

(7) Demonstrate an understanding of management, labor and production functions within a business or industry.

(f) Health Education and Physical Education Academic Achievement Objectives. Alabama students shall:

(1) Demonstrate an understanding of the relationship among all aspects of personal hygiene and health.

(2) Implement a plan of personal fitness and wellness, and shall demonstrate such fitness and wellness.

(3) Demonstrate knowledge of the rules, regulations, and laws that have an impact on health and safety of individuals and communities.”

“§ 16-3-17.1.

“(a) The legislature finds that we live in an increasingly complex and highly technical society and that additional instructional initiatives are required at this time.

“The legislature further observes that these new instructional technologies include computers, interactive videodisc, CD-ROM, electronic telecommunications and networking via modem, and satellite-based interactive instruction.

“The legislature recognizes that teachers in preparation programs (~~pre-service~~) and experienced teachers need to have continuing information about technology. Technology training must become an integral part of the teacher preparation program and must be seen as an instructional tool rather than the subject of instruction.

“The legislature finds it is necessary that all students graduating from our high schools in the future be technologically literate. Therefore, the legislature directs that:

“(1) The state board of education shall develop an in-service plan for professional development of teachers currently employed in the public schools of Alabama and shall ensure that each is computer literate and adequately prepared to integrate computer technology into every applicable phase of classroom instruction;.

“(2) The state department of education shall develop procedures by which each institution of higher education in Alabama that has responsibility for preparing teachers, supervisors, and administrators integrates into its teacher education program technology training;.

“(3) The state board of education shall develop standards and re-

view procedures for the plans of all new grades K-12 buildings and all major renovations to ensure that these facilities take advantage of the new and developing information technologies. These standards shall include, but not necessarily be limited to, coaxial cabling of all classrooms and laboratories, internal telephone networking for all classrooms and laboratories to provide voice and data capability, safe and secure locations for the placement of satellite dishes, sufficient electrical outlets, and the like.

“(4) The state board of education shall provide a plan for the cooperative development and execution of research, demonstration, evaluation, and dissemination of activities related to the effective use of technologies in teaching and learning. These activities shall be planned, designed, and carried out in cooperation with the existing Alabama Regional ~~Inservice~~ In-Service Centers (~~ARIC~~) and local school systems.

“(5) The Alabama Regional ~~Inservice~~ In-Service Centers shall develop a plan with budget requirements ~~which will~~ to provide technical assistance to other units within their host universities to improve the quality of ~~instruction--particularly~~ instruction, particularly as it relates to the use of ~~technology--at technology, at~~ all levels and in all curricula which impact the teacher preparation program. It is the intent of the legislature that this form of assistance ~~will~~ shall be exclusively in the area of consultation and technical assistance. No ~~ARIC~~ Alabama Regional In-Service Centers funds shall be used to provide hardware, software, instructional materials, or in any way supplant these functions of those units receiving technical assistance.

“(6) The state board of education shall ~~have~~ require local school systems to submit an annual inventory on ~~an annual basis~~ their computer and related interactive instructional equipment and compile a report for the state superintendent to submit to the governor and the legislature. ~~This~~ The report ~~should~~ shall reflect the adequacy or inadequacy of available instructional hardware and software and ~~should~~ shall project a short-range and long-range acquisition plan for additional materials; ~~and,~~

“(7) The state board of education shall develop an approved format for the development of long-range technology plans to be submitted by each school district. It is the intent of the legislature that this plan includes long-range goals, specific curricular objectives, hardware requirements, software needs, and training needs. The state ~~superintendent~~ board of education shall submit to the governor and the legislature the plan of action and the funding requirements at the budget hearings for the ~~1993~~ 1995 Regular Session of the legislature.

“(b) The legislature observes that Alabama schools and students

would benefit from a coordinated educational technology plan. This plan ~~should~~ shall be based on a strong commitment to make it possible for all schools to have the benefit of modern technology and shall be submitted to the governor and legislature during the ~~1992-93~~ budget hearings for the 1995 Regular Session of the Legislature for approval and funding. The legislature directs the state board of education to:

“(1) Encourage and coordinate the application of new technologies in the schools;”

“(2) Support educational technology by developing a plan ~~to maximize~~ for the use of technology in the classroom;”

“(3) Support educational technology by seeking private funding sources for schools;”

“(4) Strengthen and broaden curricula and professional staff development by maximizing the use of distance learning for students, teachers, and administrators;”

~~“(5) Use technology to promote fundamental changes in the learning process;”~~

~~“(6)“(5)~~ Use technology to improve teaching and learning;”

~~“(7)“(6)~~ Use technology to improve efficiency in productivity in education administration;”

~~“(8)“(7)~~ Develop a plan to enhance student learning in elementary grades through the use of computer software programs that assist in skill development in reading, writing, mathematics, and other subject matter as approved by the board;”

~~“(9)“(8)~~ Consider the standards for equipment purchased in the future to maximize the exchange of software programs;”

~~“(10)“(9)~~ Direct the state department of education in collaboration with local school systems to develop computer software libraries;”

~~“(11)“(10)~~ Develop a plan to equip all school libraries with computers and networking capabilities to enhance student learning;”

~~“(12) Develop a plan to maximize efficiency of local child nutrition programs through the utilization of computers;”~~

~~“(13)(11) Develop a plan for the utilization of student records and~~
~~develop~~ capabilities of electronic transfers of information for all school
systems;.

~~“(14)(12) Develop a plan to make available to all students infor-~~
mation on scholarships and courses;.

~~“(15)(13) Develop a plan to equip appropriate vocational courses~~
taught in the secondary schools with modern technology and computers;
~~and.~~

~~“(16)(14) Develop a plan for the establishment of computer labo-~~
ratories to be made available to all students and to provide a computer in
the classroom for ~~each teacher~~ teachers of academic subjects, as appropri-
ate.

“(c) A coordinated educational technology plan developed by the
State Board of Education pursuant to subsection (b) shall include the fol-
lowing:

“(1) Distance Learning Centers. It is the intent of the Legislature
that distance learning technologies can be used to enable school districts to
provide adequate educational opportunities that the districts have not been
able to afford or for which they had too little demand to be able to justify the
expenses to offer. Distance learning can also provide expanded educational
opportunities for all districts. The State Board of Education shall conduct
a needs analysis for distance learning and shall develop a plan for the estab-
lishment of the centers. The initial priority shall be for the establishment of
one distance learning center in each school district that has heretofore not
been able to offer adequate educational opportunities because of funding.
The State Board of Education shall establish standards and guidelines for
the technologies to be utilized so that the State of Alabama shall have an
integrated system of distance learning. Criteria for selection shall include
cost effectiveness, estimated useful life, probability of obsolescence, and
the potential for use for other instructional or administrative purposes. A
school staff member, who does not have to be a certified teacher, shall be
with students in the distance learning centers during every class use.

“(2) Teacher Technology Centers.

“a. The foundation of the technology program shall be a class-
room-usable technology center for teachers to help teachers with the imple-
mentation of a strong technologically-based instructional program in al-
most any core curriculum content area classroom. The center shall be a
combination of hardware, software, and technology-based instructional

materials. The classroom-usable center shall consist of a computer with a modem, printer, large screen television monitor, small computer monitor, compact disc player, and videodisc player.

"b. In addition to the hardware, software in the form of an electronic instructional management system containing a lesson bank which is driven by a given curriculum framework shall be provided to assist teachers in the implementation of the technology initiative. The lessons shall be designed so that teachers can add their own lessons. The lessons shall be tied to a delivery system to allow the teacher to utilize and manage videodisc presentations, generate assignments and tests, and eventually to use a remote control to direct a variety of media ranging from compact discs to videodiscs to their own creations on a hard disk. The electronic instructional management system shall also include an assessment bank that includes criterion referenced items.

"c. An essential element of the technology initiative shall be teacher training. The training component shall consist of two separate programs: one for the principals and one for the teachers. The training for teachers shall be extensive and shall focus on computer literacy, the software itself, curriculum coverage and development, and instructional practice.

"d. The State Board of Education shall establish standards and guidelines for the technologies to be utilized so that the State of Alabama shall have a standardized format to allow the same instructional software to be used in any public school in the state.

"(3) Technology Rich Content Area Classrooms.

"a. Technology rich core curriculum content area classrooms shall contain at least four multi-media computers for students to use as a productivity tool, a tool for communication, a retrieval source for information, and as a tool for the management of information in various forms. The development of technology rich classrooms shall be closely linked to the development and implementation of the technology center for teachers. A technology rich core curriculum content area classroom shall be equipped with at least four computer systems that each include a hard drive, monitor, CD-ROM player, modem, at least one television monitor, one or more videodisc players, and software that is directly linked to the content area through the teacher technology center.

"b. The State Board of Education shall establish standards and guidelines for the technologies to be utilized so that the State of Alabama shall have a standardized format to allow the same instruction software to be used in any public school in the state.

“(4) Information Age Electronic Media Centers and Libraries. All school media centers shall be equipped with hardware and software that will give students broad access to information electronically.

“(5) Voice Mail Systems. All school systems shall be equipped with a central office voice mail type of system that will facilitate communication between teachers and parents about student progress and needs.

“(6) The State Board of Education shall develop a plan for the phased-in acquisition and installation, where appropriate, of the technology described in subdivision (3)a. Initially, pilot projects shall consist of equipping three schools in each senatorial district in the state. Thereafter, implementation shall be phased in over a period of no less than five years. During the five-year phase-in, high schools and junior high schools or middle schools shall be furnished with four each, and elementary schools with two each, of the teacher technology centers and technology rich content area classrooms. Thereafter, additional placement shall be determined by the number of students enrolled in a school. The State Board of Education shall seek corporate, professional, associational, and individual contributions for the plan developed pursuant to this subdivision.

“(d) The State Board of Education shall develop or contract for development of an administrative software program to permit communication by all public schools with their local school district central offices and all local school district central offices with the State Department of Education data processing center to collect and process administrative data. This administrative software shall be completed, field-tested, and phased-in in an appropriate manner.

“(e) The State Board of Education shall initiate a program to encourage and assist certified teachers and principals to purchase computers with their own funds for their own personal use. This program shall include, but not be limited to, the following:

“(1) The State Board of Education shall obtain by competitive bidding or negotiation the lowest possible purchase prices for various personal computers on behalf of all interested teachers and principals.

“(2) The State Board of Education shall arrange a suitable training program for the use of these computers with the vendor who is awarded the contract.

“§ 16-3-17.2.

“(a) The following words and phrases used in this section shall, in

~~the absence of a clear implication otherwise, be given the following respective interpretations~~ meanings:

~~“(1) ‘At-risk’ shall be defined as, but not limited to~~ AT-RISK STUDENTS. Include, but are not limited to, the following:

“a. Students who are at least two years behind grade level and are, as a result, older than their peers;₊

“b. Students who have failed to acquire the essential skills needed to stay on grade level;₊

“c. Students who have a history of adjustment or behavioral problems;₊

“d. Students who would be placed on long-term suspension for violations of system regulations;₊

“e. Students who are parents, or who are pregnant;₊

“f. Students whose high school graduation is in jeopardy;₊

~~“g. Students who are considered at-risk as determined by socioeconomic predictive data; and,~~

~~“h-g.~~ Students who have a history of poor school attendance.

~~“(2) ‘Dropout’ shall be defined as an~~ DROPOUT. An individual who:

“a. Was enrolled in school sometime during the previous school year; ~~and~~

“b. Was not enrolled at the beginning of the current school year; ~~and~~

“c. Has not graduated from high school or completed an educational program approved by the state board of education; and

“d. Does not meet any of the following exceptions: transfer to another public school system, private school or other approved education program; or temporary absence due to suspension or school approved illness; or is attending a church-school program.

“(b) The legislature finds that students at-risk of school failure can

be identified early and can be successful in school if appropriate steps are taken to address their educational needs. Accordingly, the state board of education shall cause programs to be developed and designed to identify at-risk students. Such programs shall emphasize the utilization of school counselors for early identification and intervention with students deemed to be at-risk. The state board of education shall develop pilot programs for providing educational and related services reasonably calculated to enable each child in this state who is at-risk to achieve his or her potential and successfully complete the elementary and secondary curriculum. The pilot programs shall include alternatives to suspension for minor disciplinary and academic infractions. These alternatives may include in-school suspension or short-term placements in the alternative educational program. These alternatives may also include programs for detention after school and on weekends as the city or county board of education shall deem necessary. These pilot programs shall include tutorial and remedial programs for students who are deficient in the basic skills of mathematics, English, science, and social studies.

“(c) The state board of education shall develop pilot programs for students who have instructional or behavioral problems which cannot be met in the regular school program. These alternative programs shall be made available to serve students who, because of their disruptive nature, have been removed from the regular class on a temporary basis and placed in the alternative program. This program shall be designed to give the student the maximum amount of academic support and counseling services to enable the student to return to the regular program.

~~“(d) The state board of education shall design, implement and monitor a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement for students who are economically or educationally deprived.~~

~~“(1) The state board of education shall design the pilot program with technical assistance of one or more institutions of higher education in the state and regional or national research agencies which have compiled and analyzed data regarding the impact of class size on academic achievement for at-risk students.~~

~~“(2) The state board of education shall develop and provide each public school system participating in the pilot program procedures for monitoring student progress as evidenced by student test data and assessing the cost, efficiency and effectiveness of this particular teacher-pupil ratio utilized. Each participating public school system shall submit, beginning June 15, 1992, and annually thereafter, to the state board of education a report respecting any pilot program.~~

~~“(3) The state board of education shall compile and analyze the information contained in the annual reports submitted pursuant to subdivision (d)(2) and shall, on or before September 30, 1993, submit to the Governor and to the legislature a comprehensive report regarding the impact of class size on academic achievement in the state.~~

~~“(4) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of section 16-13-52.1.~~

“(d) The State Board of Education shall develop programs designed to identify students at risk of dropping out of school and to implement programs designed to enable at-risk students to achieve their potential and successfully complete the prescribed elementary and secondary curriculum. The State Board of Education shall adopt policies which encourage the development of programs to reduce student dropouts. County and city boards of education shall be given flexibility in implementing dropout prevention and retrieval programs, but those programs shall meet criteria established by the State Board of Education. The State Board of Education shall require the State Superintendent of Education to review existing state statutes and policies pertaining to dropout prevention and recommend to the State Board of Education and the Legislature on an annual basis, changes which may be needed to encourage schools to create, develop, and improve local educational programs.

“(e) Funds allocated in the annual education appropriation acts for in-school suspension programs for students with disciplinary problems, for the operation of alternative education programs, or for tutorial or remedial programs must be specifically expended for those program activities or other similar programs designed to meet the same objectives. Any funds not used by the local school system to provide for these programs shall revert to the Alabama Special Educational Trust Fund. It is the intent of the legislature that these programs as provided in subsection (d) shall be funded by the annual appropriation from the Alabama Special Educational Trust Fund.

“(f) The state board of education shall cause programs to reduce and recover dropouts to be designed, developed and pilot-tested in school years ~~1991-92 1993-94, 1992-93 1994-95, and 1993-94 1995-96~~. In ~~1991-92 1993-94~~ programs shall be piloted in no more than ten schools. In ~~1992-93 1994-95~~ programs shall be piloted in no more than ten elementary, ten middle, and ten high schools, not to exceed a total of 30 schools. In ~~1993-94 1995-96~~ such programs may be piloted in additional schools but in no event shall such programs be piloted in more than 25 percent of the state's schools. In selecting the pilot programs, the latest research on the effectiveness of various strategies to reduce and retrieve dropouts must be consid-

ered, including, but not limited to, parental involvement, mentoring, and enrichment programs, including after-school and summer programs and inter-agency teams. Within the three years following the conclusion of the initial three years of pilot testing, dropout prevention and retrieval programs must be implemented in all school systems.

“(g) The legislature shall appropriate funds for implementation of pilot programs for dropout prevention and retrieval in school systems and schools. The state department of education, or a school or school system which is pilot testing a dropout and retrieval program, individually or with other participants, may use a portion of the program funds for the purchase of technical assistance during the planning, developing, and implementing of the program. A report on the status of the programs must be provided to the governor and the legislature by July 1, ~~1992~~ 1994, and an evaluation report must be provided annually thereafter by July 15, beginning with July 15, ~~1993~~ 1995.

“(h) The state board of education shall approve local school system plans which meet the criteria established by regulation adopted in accordance with this section and shall waive those regulations as requested by the schools and school systems when waiver of the regulations bears a rational relationship to the implementation of the proposed program.

“(i) At the conclusion of pilot testing, the state board of education shall also promulgate regulations requiring each school system to develop written objectives and begin detailing plans for a comprehensive dropout prevention and retrieval program using program components found to be effective during pilot testing. Any funds not used by the local school system to provide for the dropout prevention and retrieval program shall revert to the Alabama Special Educational Trust Fund.

“(j) An adequate number of schools and school systems selected for pilot testing must be chosen for the purpose of serving as lead schools or school systems. Beginning with the 1992-93 school year, lead schools and systems shall initiate and provide for on-going discussions and work sessions among a network of schools and systems on strategies for implementing programs which are successful in reducing and recovering dropouts. The state board of education shall assist lead schools and school systems in their function as lead schools and systems and shall facilitate the successful operation of the network by distributing funds to the network in accordance with the procedures approved by the state board of education and in accordance with appropriations funded by the legislature. The intent of the legislature is that lead schools or school systems shall develop model programs that may be replicated.

“(k) The state board of education shall establish minimum standards for evaluating the potential for success of the school and system dropout prevention and retrieval program. The minimum standards must include outcome measures to be applied to school and system dropout programs within two years after said programs are implemented.

“(l) Each year after the 1992-93 school year, the state department of education shall apply the standards set pursuant to subsection (k) to all schools and school systems which have received state funds to operate a dropout prevention and retrieval program for at least two years. When the application of the standards indicate that a school's or system's dropout prevention and retrieval program is deficient, the state board of education shall direct the local school board to (1) study the dropout prevention and retrieval program in the school or system, (2) identify factors rendering the program deficient, and (3) by not later than July 1 submit for approval to the state board of education a plan for corrective action. During the period that a school or system program is designated as deficient, the state department of education shall monitor and provide guidance on the program and the corrective action planned and continuously furnish advice and technical assistance. If a school or system fails to satisfactorily implement the corrective action plan within six months of approval of said plan, the failure must be indicated in the status of the school's or system's accreditation classification. Funds for monitoring and technical assistance under this subsection must be provided by the legislature in the annual appropriations act Education Budget Act.

“(m) As a further means of assisting students deemed to be at-risk ~~and/or~~ or dropouts, the state board of education shall adopt policies and procedures to do all of the following:

“(1) To implement a comprehensive career awareness program in middle schools to help students appreciate the value of a high school education and understand the consequences of not acquiring a high school diploma;.

“(2) To require local schools to place strong emphasis on the utilization of school counselors for early identification and intervention of students deemed to be at-risk;.

“(3) To utilize the existing in-service education centers and to develop and implement a comprehensive, professional development program that prepares teachers to identify and assist the at-risk student;.

“(4) To require state and local boards of education to ~~adapt~~/adopt

~~adapt or adopt~~ vocational, technical, and other programs to meet the needs of students at-risk;.

“(5) To require local school systems to develop plans to redirect resources of the community education program to offer training programs for parents to assist them in dealing with at-risk students and to further encourage parental involvement with all aspects of the total school program;.

“(6) To require the state and local boards of education to develop at the state and local levels programs to assist pregnant teenagers and teenage parents in acquiring a high school diploma;.

“(7) To require state and local school boards to encourage business leaders, community organizations and the public media to support education and to convince parents that education is critical to the future of their children; and;.

“(8) To require local school systems to report information on dropouts to the state superintendent of education who shall make an annual report to the governor and legislature.

“(n) Further, the legislature intends that all programs implemented pursuant to this section shall be designed to reach the goals of reducing the dropout rate and increasing the graduation rate to 90 percent by the year 2000.

“(o) Nothing contained in this section shall be construed as repealing, modifying or altering in any way the provisions of section 16-13-52.1,

“§ 16-3-18.2.

“(a) ~~The legislature directs the State Board of Education to shall eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no~~ No student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning, or subject matter content achievement level. The decision as to whether or not to promote a kindergarten student to Grade 1 grade one shall rest solely with that student's parent or guardian after consultation with the student's kindergarten teacher and or school principal. ~~Such decision shall be final. Any appeal of this decision must be made to the local school board and any vote to overturn such decision must be taken by said board in a~~

~~public meeting and must be by majority vote of said board.~~ Any rules and regulations adopted by the State Board of Education pursuant to this section shall be exempt from ~~the provisions of~~ Section 41-22-3(3).

“(b) The legislature recognizes that increased academic requirements, as required by Section 16-3-15, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement; in Section 16-3-18.3, may increase the dropout rate for students in the public schools of the State of Alabama. ~~It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students.~~ Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

“(c) Local boards of education shall establish and supervise volunteer tutorial programs to provide tutorial services to students. The local board of education may pay the volunteer tutor for actual expenses incurred. The program shall be provided at such times and in such locations as will provide assistance to the most students. The board shall make a concerted effort to obtain the voluntary services of parents of school children and permit these parents to tutor school children of the school that the child of the parent attends. The purpose of this subsection is ~~(1)~~ to provide additional educational assistance to students in the most cost-effective manner; and ~~(2)~~ to foster a better understanding and relationship between parent, child, teacher, and school administrator.

“(d) Local boards of education may establish an after-school student tutorial program whereby teachers may be paid by the local board to tutor students who request tutorial services.”

“(e) Any law to the contrary notwithstanding, any local board of education may adopt a system of performance-based education for any individual public school under its jurisdiction.”

“§ 16-3-18.3.

“(a) The state board of education shall continue the development and implementation of a valid and reliable program for assessment of student achievement. This comprehensive assessment program shall include, but not be limited to, the following:

“(1) ~~normed~~ Normed-referenced assessments to measure student

achievement and school ability as compared to a recently normed national sample of similar students;.

“(2) ~~grade~~ Grade level criterion-referenced assessments to measure student performance ~~based on standards established by the state board of education~~ in core curriculum subjects; and.

“(3) ~~criterion~~ Criterion-referenced assessment to measure student performance on minimum standards established by the state board of education at elementary, middle, and high school grades and for graduation from high school. At least one of the three assessment examinations described in the preceding sentence shall be administered each year to each student in ~~the second through the eleventh grades~~ two to 11, inclusive, in each public school. Normed-referenced assessments as provided for in subdivision (1) shall be administered to each student in grades four, eight, and 12. Reading assessments as required by Section 9(d) shall be administered to each student in grades one to three, inclusive. The graduation examination shall be administered to students in ~~the eleventh and twelfth grades~~ 11 and 12. Students who failed to achieve at least the minimum passing score on the graduation examination but met all other requirements for a diploma may be administered that examination although they are not currently enrolled in a public school. Priority in the student assessment program shall be given to the development of criterion-referenced tests in courses contained in the core curriculum. The results of student performance on all criterion-referenced tests shall be correlated in such a way that local school systems may include them among criteria used for promotion and retention decisions. The state board of education shall ~~continually~~ as needed update the assessment program to assure the valid assessment of achievement of students enrolled in public schools.

“(b) The state board of education shall develop and implement an aptitude program with accompanying interest survey for entering ninth graders. The results of these assessments shall be used in the development of ~~high school students’~~ programs of study for high school students and for career planning.

“(c) It is the intent of the legislature that a high school diploma earned in the public schools of the state of Alabama reflects the ability of ~~our~~ graduates to have achieved the required ~~twelfth~~ 12th grade skills and knowledge. The ~~legislature directs the~~ state board of education ~~to~~ shall continue to revise and raise the level of expectation for students taking the high school graduation examination to ensure that the examination measures skills and knowledge that are expected of high school graduates. ~~Accordingly, the~~ The state board of education shall establish a goal of increasing the scale score for passing the Alabama High School Graduation

Exam over the next three scholastic years beginning with the exam to be given in the fall of ~~1992~~ 1995. It is the intent of the legislature that the minimum competency skills as measured by this exam be increased to ensure that the recipient of a high school diploma has reached a higher level of competency. ~~It is further the intent of the legislature and~~ and that a higher academic performance will be expected of students receiving a high school diploma.

“(d) The state board of education shall require that all students who participate in work-related programs requiring ~~those~~ students to leave school for more than one instructional period during their regular school day shall have met or exceeded the minimum acceptable level of performance in the pre-ninth grade test of basic skills as prescribed in ~~subsection (b) by the State Board of Education and must shall~~ not be deficient in credits earned in the academic course requirements.

“§ 16-3-18.4.

“(a) The following words and phrases used in this section shall, ~~in the absence of a clear implication otherwise,~~ be given the following ~~respective interpretations~~ meanings:

“(1) ACCREDITATION or ACCREDITED. A city or county school system that has been determined to meet the requirements for accreditation under the accreditation system. An accredited school system may be further classified as excellent, satisfactory, or probationary by the state ~~superintendent board~~ of education as provided by this section.

“(2) ACCREDITATION SYSTEM. The accreditation system of the state board of education ~~education's accreditation system in effect as of January 1, 1991, as supplanted by the performance-based accreditation system to be established by the state board of education pursuant to this section.~~

“(3) EDUCATION IMPROVEMENT PLAN. An educational improvement plan developed by a non-accredited; or an accredited probationary, city, or county school system pursuant to this section.

~~“(4) INTERVENTION. Action by the state superintendent of education to temporarily assume the responsibility for the operation and control of one or more public schools under the jurisdiction of a non-accredited city or county school system pursuant to this section.~~

~~“(5)~~(4) NON-ACCREDITED. A city or county school system or one or more public schools that have not met the requirements for accreditation under the accreditation system.

“(b) The state board of education shall, on or before January 1, ~~1992~~ 1995, establish ~~a performance-based~~ an accreditation system for all city and county school systems and all public schools, which shall supplant the existing accreditation system, to comprise the state of Alabama public school accreditation system. Each city and county school system and each public school shall be required to be accredited by the state board of education under the accreditation system in accordance with ~~the provisions of~~ this section. The accreditation system shall measure the academic performance, in the required courses of study, of each school and school system throughout the state, with the criteria weighted so that the academic assessment shall constitute no less than 75 percent of the accreditation formula. When the state board of education ~~has determined~~ determines that a city or county school system and all of the public schools under its jurisdiction have satisfied all requirements for accreditation, which determination shall be made in accordance with and pursuant to this section, ~~such~~ the city or county public school system shall be certified by the state board of education as accredited.

“(c) The state board of education shall establish specific guidelines and minimum performance levels which reflect the standards required for accreditation. ~~Such~~ The standards for accreditation established by the state board of education shall be directly linked, but not limited to, the student assessment program as provided for in section 16-3-18.3. ~~Such standards~~ Standards for accreditation established by the state board of education shall further include, but not be limited to, the requirement that each city and county board of education and, where appropriate, the public schools under its jurisdiction shall do all the following:

“(1) Provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having adequate space, heating and air conditioning, restroom facilities, and sanitary conditions; Buildings shall be designed and constructed specifically for their intended instructional purposes. School employees shall be consulted in the design of all new school buildings or additions or retrofitting of school facilities to include the teaching and learning and work needs of the staff and students.

“(2) Comply with the requirements of federal and state governments and agencies and the state board of education with respect to the condition and safety of vehicles, scheduling of routes, training and licensing of drivers, and load capacity of buses;.

“(3) Adhere to the attendance laws of the state and maintain a proper reporting of attendance;.

“(4) Adhere to the courses of study, curriculum offerings, aca-

demetic and graduation requirements, guidance and counseling services, testing programs, and special educational requirements for all students identified as needing such services, in accordance with The Alabama Education Improvement Act of 1991 (~~Acts 1991, No. 91-323~~), Act 91-323, 1991 Regular Session (Acts 1991, p. 602), and state board of education policy. The state board of education shall specifically require that instruction in science or mathematics, or both, in grades one ~~through to~~ six, inclusive, shall be taught by teachers who have obtained a minimum of 12 semester hours or 18 quarter hours of science or mathematics, or both. It is the intent of the legislature that the teacher training institutions prepare all early childhood and elementary certified teachers to have a broad knowledge of science ~~with emphasis on general, environmental and basic science~~ or mathematics, or both. It is further the intent of the legislature that the state science or mathematics, or both, course of study committee develop and recommend to the state board of education an early childhood and elementary science or mathematics, or both, program of instruction with a sequential development of science or mathematics, or both, skills and knowledge. The state board of education shall also incorporate into the ~~performance-based~~ accreditation standards, as provided in this section, a requirement that all elementary schools have approved science laboratory facilities for the proper teaching of elementary science courses. It is the goal of the legislature that ~~the provisions of~~ this subsection be fully implemented by the school year 1997-98.

“(5) Assure that adequate resources for instruction are provided, including textbooks, instructional supplies, community resources, financial allocations for teachers’ salaries, and other instructional support.

“(6) Adhere to the state board of education’s requirements pertaining to all instructional personnel, including proper certification, assignment, ~~in-service/professional~~ in-service or professional development, evaluation, compensation, and instructional competence.

“(7) Provide all administrative and supervisory personnel with leadership and management training.

“(8) Adopt an evaluation plan to assess the job performance of teachers, supervisors, and principals in accordance with this section, and.

“(9) Prepare an annual educational status report as required by law and regulations adopted by the state board of education. ~~Such The~~ status report shall include an assessment of student performance by school and an evaluation of system-wide student performance. ~~Such The~~ performance shall be evaluated on criteria established by the state board of education, which criteria shall include, but not be limited to, the results of aca-

ademic assessments provided for in Section 16-3-18.3; the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher, and student satisfaction; parental involvement; and other performance measures deemed appropriate by the board. The Parents' Advisory Committee of each school shall be responsible for supplying the information on parent, teacher, and student satisfaction as provided for in Section 16-10-9.

“(d) Each city or county school system shall submit to the state board of education for each public school within its jurisdiction ~~such~~ information ~~as may be~~ required by the state board of education to determine its accreditation status pursuant to this section. This report shall include specifics regarding any public school and any aspect of that school's program, particularly poor student performance, which fail to adhere to the accreditation requirements. This report shall be widely disseminated to the public and discussed by the city or county board of education at a public meeting.

~~“(e) The state superintendent of education may, with the consent of the state board of education, waive compliance with any of the requirements of subsection (c) which the state superintendent of education determines to be impossible of performance without additional state or local funds.~~

~~“(f)(e)~~ The accreditation system adopted by the state board of education pursuant to this section shall provide procedures for the periodic review and evaluation of each city or county school system and each public school to determine its accreditation status. Such procedures shall include one or more unannounced on-site visits to each city or county school system and each public school by an educational compliance review team selected and appointed from time to time by the state superintendent of education. The State Superintendent of Education shall report the findings of the compliance review team to the State Board of Education. The state ~~superintendent~~ ~~board~~ of education shall determine whether the city or county school system or the public school, as the case may be, has met the standards ~~and minimum performance levels~~ to be accredited. The state board of education shall also adopt a method whereby the state superintendent of education shall classify those schools and school systems deemed to be accredited as excellent, satisfactory, probationary, or any other terms or classifications deemed appropriate by the state board of education.

“(f) The performance of schools or school systems on criteria established pursuant to subsection (c)(9) and their accreditation status and classification, along with including, but not limited to, any other information deemed necessary by the state board of education to adequately inform

and help the public accurately evaluate the performance of local schools and school systems, shall be reported to the public each year and made known to the media on a specified date annually. This annual report shall be known as the 'Report Card on Our Schools and School Systems.'

“(g) The state board of education shall also establish a procedure whereby any person can lodge a complaint against any school or school system if ~~such the~~ person has a reason to believe that the ~~performance-based~~ standards established herein are not being ~~complied with~~ followed and ~~such the~~ complaint ~~will shall~~ be properly investigated and a determination made as to whether ~~such the~~ complaint is justified. ~~Such a procedure should establish that such~~ The complaint shall first be investigated by the local school system.

“(h) In the event that the state ~~superintendent~~ board of education determines that the city or county school system or the public school, as the case may be, has not met the ~~standard and minimum performance levels~~ standards to be accredited, the city or county school system or, in the case of a determination with respect to a public school, the school system having jurisdiction over ~~such the~~ public school shall be declared to be a non-accredited school system.

“(i) A non-accredited, or an accredited probationary, city, or county school system shall develop an education improvement plan subject to the approval of the state ~~superintendent~~ board of education designed to cause the local board of education and each public school under its jurisdiction to meet the standards and minimum performance levels to be accredited without probationary status within the time period specified, not to exceed three years. The state superintendent shall provide necessary technical assistance in developing the education improvement plan.

“(j) The state superintendent of education shall provide consultation, training, and technical assistance to each non-accredited, or accredited probationary, school system to assist in the implementation of an education improvement plan until the expiration of the time period specified in the plan ~~or until it is determined by the superintendent that the school system is unable or unwilling to meet the standards and minimum performance levels to be accredited.~~

~~“(k) The legislature intends that the purpose of this section is to provide early warning, intervention, remediation, and receivership for schools and school systems deemed deficient under the performance-based accreditation system established herein. Therefore, in the event that a non-accredited, or an accredited probationary, school system fails to implement an education improvement plan within the time period specified in the plan, or~~

~~the state superintendent of education determines that the non-accredited school system is unable or unwilling to meet the standards and minimum performance levels to be accredited or satisfactory, the state superintendent of education, acting with the approval of the state board of education, may intervene in the operation of such school system to temporarily limit or supersede the authority of the board of education over one or more public schools under its jurisdiction. The state board of education shall determine, upon the recommendation of the state superintendent of education: (1) whether the intervention shall be total intervention over all programs or partial intervention in specified program areas of operation; (2) the terms of the intervention; and (3) the length of the intervention. Prior to intervention, the state superintendent of education shall notify such non-accredited or probationary school system in writing of the proposed intervention and hold a public hearing in accordance with regulations adopted by the state board of education.~~

“§ 16-3-18.5.

“(a) The state board of education shall adopt or modify its policies, regulations, or procedures ~~so as~~ to require that school terms in the public schools of this state are not less than 176 actual teaching days for the ~~1992-93 1994-95~~ scholastic year, with one additional teaching day added to the school terms for ~~1993-94, 1994-95, and 1995-96, 1996-97, 1997-98, and 1998-99~~ so that the school term in ~~1995-96 1998-99~~ shall be not less than ~~179 180~~ actual teaching days. As used in this section, ‘actual teaching days’ shall be exclusive of institutes, conferences, conventions, and holidays. Any employee required to work an additional day or days above ~~such employee’s~~ their present contract days shall be compensated with a corresponding additional day’s or days’ pay in addition to any cost-of-living adjustment provided by the legislature.

“(b) In addition to the actual teaching days required in subsection (a), the contract year for teachers shall be lengthened according to the following schedule and specifications:

“(1) In addition to the 176 teaching days in the 1994-95 scholastic year, there shall be six days of teacher professional development.

“(2) In addition to the 177 teaching days in the 1995-96 scholastic year, there shall be seven days of teacher professional development.

“(3) In addition to the 178 teaching days in the 1996-97 scholastic year, there shall be eight days of teacher professional development.

“(4) In addition to the 179 teaching days in the 1997-98 scholastic

year, there shall be nine days of teacher professional development.

“(5) In addition to the 180 teaching days in the 1998-99 scholastic year, there shall be 10 days of teacher professional development. The 10 professional development days may be utilized either before the schools convene, during the time the schools are in session, or after the adjournment of students at the end of the scholastic year, or all, according to board policy to be developed in cooperation and conjunction with the professional organization which represents the majority of education employees state-wide. ‘Professional development’ days may include up to five ‘in-service’ days according to this act. Funding for the additional work and professional teacher days which are provided for in this section shall be disbursed by the State Budget Officer to the State Board of Education for the county and city boards of education from the Alabama Special Educational Trust Fund in the Education Budget Act for the public schools. Employees who work additional days shall be paid an additional pro rata amount for each additional day worked in addition to any cost-of-living adjustment or pay increase.

“§ 16-3-20.1.

“(a) It is the intent of the legislature that parents and students have a greater choice in the kinds of public educational programs.

“(b) The following words and phrases used in this section shall, ~~in the absence of a clear indication otherwise,~~ be given the following ~~respective interpretations~~ meanings:

“(1) OPEN ENROLLMENT OPTION. An educational plan designed to improve educational achievement and to enhance the opportunity for parental choice in education by providing additional options to pupils in the state to enroll in public schools in school districts throughout the state without regard to pupil residence.

~~“(1)(2)~~ SCHOOLS OF CHOICE. An educational plan, including, but not limited to, magnet school programs ~~and/or or~~ or alternative school programs, ~~or both,~~ designed to allow parents or guardians of school aged children to choose which public schools their children will attend within a particular county or city school system. ~~Moreover, schools~~ Schools of choice plans may include, but shall not be limited to, further development of alternative academic programs, vocational schools, fine arts curricula, gifted student programs, ~~post secondary/secondary~~ postsecondary/secondary early option programs, programs such as the Alabama high school for math and science, and the Alabama school of fine arts, and any other programs that improve and enhance education.

~~“(2)(3)~~ **SCHOOL SYSTEM.** The public schools included under the general administration and supervision of a particular county or city board of education.

“(c) County and city boards of education ~~are hereby authorized to~~ shall develop, adopt, and implement both a schools of choice plan and an open enrollment option plan for use within their respective school systems, ~~; provided, however, that no such~~ No schools of choice or open enrollment option plan shall be implemented by a county or city board until all of the following requirements are met:

~~“(1) Such plan is adopted by either:~~

~~“a. A resolution of the respective county or city board of education; or~~

~~“b. A majority of the voters residing within the geographic jurisdiction of the particular county or city board of education at a referendum called by a resolution of the respective county or city board of education and held in accordance with special election laws as set forth in sections 17-18-1 through 17-18-7.~~

“(1) The State Board of Education establishes an enrollment options program to enable pupils residing in the state to attend public schools in school districts other than the ones in which they reside in compliance with the equity funding and educational opportunity requirements set forth in Alabama Coalition for Equity et al. v. Folsom et al. The State Board of Education shall establish the programs by August 1, 1994.

~~“(2) Such~~ The plan is in full compliance with all federal or state court orders affecting the respective city or county board of education, including, but not limited to, all applicable federal court desegregation orders.

~~“(3) Such~~ The plan is in full compliance with all applicable federal and state constitutional, statutory, and administrative provisions of law.

~~“(d) Any county or city board of education which adopts~~ adopting a schools of choice ~~plan and open enrollment option plans,~~ as set forth herein, ~~whether by resolution or referendum,~~ shall immediately notify the state superintendent of education of the adoption of ~~such the~~ the plan. ~~Such~~ The notification shall include a statement from the particular county or city board of education certifying that ~~such the~~ the plan is in full compliance with all federal or state court orders affecting the particular city or county board of education, including but not limited to all applicable federal court deseg-

regation orders, and all applicable federal and state constitutional, statutory, and administrative provisions of law.

“(e) In order to exercise their intradistrict choice under a schools of choice plan, parents shall be permitted to review a copy of the annual report known as the ‘Report Card on Our Schools and School Systems’ at the school office nearest their residence immediately upon its annual printing and distribution by the local board of education. Parents may exercise their rights of intradistrict choice within the particular county or city school system in which they reside in the following manner:

“(1) The parent of a student wishing to attend a particular school within their county of residence, other than the one in whose attendance district they reside, shall submit an application, on forms available at any public school, to the school of their choice.

“(2) The parent shall submit the application for a particular school year at a time set by the local board of education on a form provided by it.

“(3) Upon agreement of the county and city school systems, the deadlines in subdivision (2) may be waived.

“(f) Every county and city school system shall make a good faith effort to accommodate every intradistrict choice request with the following stipulations:

“(1) A school district that has a desegregation plan approved by the State Board of Education, by a court, or by the United States Department of Education, Office of Civil Rights, may, in accordance with regulations of the State Board of Education, limit the number of pupils who transfer into or out of the district under this act if necessary to ensure compliance with the plan.

“(2) A school district shall adopt specific, written standards for acceptance and rejection of applications under this act. Standards may include consideration of the capacity of a program, class, grade level, or school building. Subject to subdivision (3), standards may not include consideration of a pupil’s previous academic achievement, disability, proficiency in the English language, sex, national origin, or race, except where necessary in accordance with subsections (c)(2) and (3) and (f)(1).

“(3) In considering an application under this section, a county or city school system may apply its usual requirements for admission to a magnet school, an alternative school, a vocational school, fine arts curricula, gifted student programs, postsecondary/secondary early option pro-

grams, programs such as the Alabama High School for Math and Science and the Alabama School of Fine Arts, or any other program to serve the gifted and talented.

“(4) The right of students to continue attending the school in which they are enrolled shall not be affected by applications of the parent of any other student for intradistrict or interdistrict choice. Student transfers shall be accommodated only as space is available. Once a student, under the schools of choice or open enrollment option plan, has attended a school other than the one in whose attendance district he or she resides, the student shall have priority status over any new applicants for positions in that school in succeeding years. The parent of the student shall not be required to reapply each year. In addition, any parent whose child is enrolled in a school which has been classified as non-accredited or accredited probationary has priority status for new openings in other public schools if they choose to transfer.

“(g) In order to exercise their interdistrict choice under an open enrollment option plan, a parent shall be permitted to review a copy of the annual report known as the ‘Report Card on Our Schools and School Systems’ at the school office nearest his or her residence immediately upon its printing and distribution by the local board of education. A parent may exercise his or her right to interdistrict choice by enrolling the child in any public school in any school district throughout the state without regard to pupil residence but subject to subsections (c) and (f), in the following manner:

“(1) The parent of a student wishing to attend a school in a non-resident school district shall submit an application to the nonresident district on open enrollment option forms available at any public school.

“(2) The parent shall submit the application for a particular school year at a time set by the State Board of Education on the form provided by it. The parent may request a particular school.

“(3) Upon agreement of the resident and nonresident districts, the deadlines in subdivision (2) may be waived.

“(h) Every county and city school system shall make a good faith effort to accommodate every interdistrict choice request within the framework of stipulations given in subsection (f).

“(i) Within 60 days of receiving an application under subsections (e) or (g), a nonresident county or city school district shall notify the applicant parent and the resident district in writing whether the application has

been accepted or rejected. If an application is rejected, the district shall state in the notification the reason or reasons for its rejection.

“(j)(1) If requested by the parent of a pupil participating in the schools of choice or open enrollment option plan under this section, the nonresident district shall provide transportation within that district. The State Board of Education shall reimburse the nonresident district for the cost of the transportation.

“(2) A resident district shall reimburse the parent for the parent’s costs of transportation from the pupil’s residence to the border of the non-resident district if the pupil is from a family where income is at or below the poverty level as determined by the regulations of the State Board of Education. The State Board of Education shall reimburse the resident district for the cost of the transportation.

“(k) A district serving a nonresident pupil under the schools of choice or open enrollment option plan under this act shall accept credits toward graduation that were awarded to that pupil by another district and shall graduate a nonresident pupil if the pupil meets the nonresident district’s own graduation requirements.

“(l) In order to enable a parent to make an informed decision about enrollment options under this act, each school district shall make available information about the district, its schools, programs, policies, and procedures. The State Board of Education shall promulgate regulations regarding the information that a district shall make available, including objective data on individual school achievement levels and in the case of secondary schools, dropout and graduation rates.

“(m) The State Board of Education shall reallocate state education aid between the resident and the nonresident district as follows:

“(1) Any state aid which is now allocated on a per-pupil basis shall be allocated to the district which a pupil actually attends.

“(2) For each type of state aid not now allocated on a per-pupil basis, the State Board of Education shall review the average effects of a single pupil’s transfer on the costs which that type of aid is meant to defray for both the resident and the nonresident district. After the review, the State Board of Education shall promulgate a formula which results in an equitable allocation to both districts.

“(e)(n) The state superintendent of education shall submit an annual schools of choice and open enrollment option plans report prior to

August 1 of each year to the state board of education which shall:

“(1) ~~List~~ Certify that each and every city or county board of education ~~which~~ has notified the state superintendent that the respective city or county school board has adopted ~~a~~ schools of choice ~~plan and open enrollment option plans~~. ~~Such list~~ The certification shall include a summary of the contents of each particular ~~schools of choice~~ plan.

“(2) Set forth any recommendations of the state superintendent of education regarding the development, adoption, improvement, or implementation of then existing ~~or future~~ schools of choice ~~plans or open enrollment option plan~~.

“(f)(o) ~~The provisions of this~~ This section shall not be used to reduce the minority-majority ratio of any school in a school district which adopts a schools of choice plan.

“§ 16-4-1.

“As the chief executive officer of the state department of education there shall be a state superintendent of education, who shall be appointed by the state board of education and shall serve at the pleasure of the state board of education, ~~; provided, however that the~~ The state board of education may enter into a contract with the state superintendent of education for his or her services for a period not to exceed ~~four~~ two years, at the end of which period a new contract may be entered into after review and evaluation by the board.

“The superintendent of education shall be a person of good moral character, with academic and professional education equivalent to graduation from a standard university or college, who is knowledgeable in school administration and has training and experience sufficient to qualify him or her to perform the duties of his or her office.

“The salary of the state superintendent of education shall be ~~such an~~ an amount per annum ~~as shall be~~ set by the state board of education ~~in an amount~~ within the range now or hereafter established by law, to be paid in installments from the annual appropriation of the state department of education.

“§ 16-4-4.

“The state superintendent of education shall explain the true intent and meaning of the school laws and of the rules and regulations of the state board of education. He or she shall ~~decide~~ recommend to the State Board of

Education, without expense to the parties concerned, ~~just and proper disposition of~~ all controversies and disputes involving the proper administration of the public school system. The state superintendent of education shall enforce ~~all the provisions of~~ this title and the rules and regulations of the state board of education. He ~~or she~~ shall file charges with the state board of education or other controlling authority and shall recommend for removal or institute proceedings for the removal of any person appointed under ~~the provisions of~~ this title for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.

“§ 16-4-7.

“The state superintendent of education shall prepare and publish the school laws of the state and the rules and regulations of the state board of education and ~~such~~ other pamphlets ~~as that~~ will stimulate public interest, promote the work of education, and foster in teachers professional insight and efficiency. He ~~or she~~ shall receive and examine all the reports required under the rules and regulations of the state board of education and, in person or through his ~~or her~~ assistants, shall examine the expenditures and accounts of county boards of education and of city boards of education ~~of cities under a city board of education~~, and shall supervise review their business methods and recommend to the State Board of Education any necessary or appropriate actions.

“§ 16-4-8.

“The state superintendent of education, under rules and regulations promulgated by the state board of education, ~~shall have the authority to~~ may review actions and orders of county and city boards of education and of county ~~superintendents of education~~ and city superintendents of ~~schools~~ education in matters relating to finance and other matters seriously affecting the educational interest. Upon ~~such the~~ review ~~of the facts~~, the state superintendent of education shall ~~have the power to determine~~ recommend to the State Board of Education from the facts the just and proper disposition of the matter. ~~The order of the state superintendent shall be binding.~~

“§ 16-4-9.

“The state superintendent of education shall prepare, or cause to be prepared, and submit for approval to the State Board of Education, the forms of contracts that shall be executed between the boards of education and all regular employees.

“§ 16-4-10.

“(a) Each city and county board of education shall provide acceptable facilities conducive to an effective teaching and learning environment, including safe buildings having adequate space, heating and air conditioning, restroom facilities, and sanitary conditions. The local board may build, lease, or purchase the buildings. The use of portable buildings as permanent facilities shall be eliminated. The State Board of Education shall ensure that county and city boards of education develop and implement effective plans for the elimination of portable classroom facilities by the fiscal year which begins in 2001.

“(b) The state superintendent of education shall prepare, or cause to be prepared, and submit for approval to the state board of education rules and regulations for the hygienic, sanitary, and protective construction of school buildings. He or she is empowered and directed to recommend for condemnation for school use by the state board of education all buildings used for school purposes that violate these rules and regulations.

“(c) The State Board of Education shall conduct a needs assessment, utilizing outside consultants as it deems appropriate, for the purpose of initiating a large-scale construction and renovation program for public schools. This assessment shall concentrate on facilities in poor condition for their intended use and facilities inadequate to accommodate any necessary features, such as science laboratories and technology, access for the disabled, and increased student populations. The State Board of Education, in making this assessment, shall consider the impact of increased use of school facilities by the community and by students for extra hours per day and days per year. The State Board of Education shall also consider the advice of professional architects and teachers and others who are in the schools on a daily basis.

“(d) The State Board of Education shall present its completed needs assessment to the Governor and the Legislature, to include recommendations about the priority of projects to be accomplished, cost and time estimates for completion of the construction and renovation program, and proposals for funding the construction and renovation program.

“(e) Fund allocations for facilities shall not be made on a per capita basis, but rather shall be made according to priorities as set forth in the needs assessment. Those schools and school systems with the greatest need shall be given the highest priority in the allocation of funds.

“(f) State funds shall be provided to eliminate identified deficiencies within five years of the implementation of this amendatory act. The funding mechanism shall be equitable and shall be based on the priorities of

need as determined by the State Board of Education, which shall administer these funds.

“§ 16-8-10.

“The county board of education shall, upon the written recommendation of the county superintendent of education, determine and establish a written educational policy for the county and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting written policies the board shall directly, or indirectly through the superintendent, consult with ~~the professional organization representing the majority of the certified employees and in addition shall also consult with~~ professional assistants, principals, teachers, and interested citizens. The county board shall establish the policies and adopt rules and regulations. The written policies, rules and regulations, so established, adopted, or promulgated shall be made available to all ~~teachers~~ persons affected and employed by the county board. Any amendments to the policies, rules, and regulations shall be developed in the same manner and furnished to the ~~teachers affected persons~~ employed by the local board within 20 days after adoption.

“§ 16-10-1.

“(a) It is the intent of the Legislature to encourage parental and public participation in public education and more local control of public schools by establishing a school parents’ advisory committee in each public school.

“(b) ~~The county board of education may appoint for every school in the county, from a list of six discreet, competent and reliable persons of mature years nominated by the~~ The patrons of the said schools, which list shall be kept on file by the board, ~~three~~ each public school shall elect five persons residing near the schoolhouse and having the respect and confidence of the community to serve for a term of ~~four~~ three years as trustees of the school members of a school’s parents’ advisory committee, to care for the property, to look after to represent the general interest of the school before the responsible local board of education, and to make to the county local board of education, through the county superintendent of education, from time to time, report of the progress and needs of the school and of the will of the people in regard to the school. The board of education, should it decide to appoint school trustees, shall fill all vacancies occurring in the office of trustee for the unexpired term from the list of nominees on file until the names on such list are exhausted. A candidate for a school’s parents’ advisory committee shall not be employed in public education nor shall his or her spouse be an employee of the local school district. The terms of

office shall be staggered. In the initial election, one member shall be elected for a term of one year, two members shall be elected for a term of two years each, and two members shall be elected for a term of three years each. No member shall serve more than two consecutive three-year terms. Vacancies shall be filled by appointment by the school's parents' advisory committee until the next election when a candidate shall be elected to fulfill the remainder of the term for the member's position. The local board of education shall set dates for the elections and shall prescribe rules for the conduct of the elections. Voting shall be by secret ballot. The term 'patrons' as used herein shall be construed to mean the parents and guardians of children in attendance at the school.

"§ 16-10-2.

"The board of school trustees committee shall hold an annual meeting each year on the first Saturday in May, or as soon thereafter as practicable. At this meeting the board committee shall appoint one of its members as chairman chair and shall give notice of such the appointment to the county local board of education. Other regular meetings shall be held at least twice during the scholastic year, and such special meetings shall be held as the duties and business of the board shall require.

"§ 16-10-9.

"(a) The board of school trustees committee shall seek in every way to develop sentiment in the support of the schools, and in case of dissatisfaction, they may file with the county local board of education written charges requesting the removal of the principal or any other teacher in said the school.

"(b) The committee shall make an annual survey of parent and teacher satisfaction with the school. The committee shall cause to be provided to the parents and guardians of each student and to each teacher in the school a questionnaire designed to measure satisfaction with the school's academic achievement, responsiveness to parent concerns, effectiveness of school administration, and other criteria deemed appropriate by the committee or the local board of education. The committee shall compile the results of the survey and report the results to the local board of education for inclusion in the annual educational status report required in Section 16-8-18.4. The individual responses of parents and teachers to the questionnaires shall be kept strictly confidential and shall not be available to anyone other than the trustees. It is the intent of the Legislature that reliable information be obtained by relieving parents and teachers of any concerns about repercussions and thus enabling them to respond candidly.

“§ 16-11-18.

“The city board of education shall, upon the written recommendation of the city superintendent of education, determine and establish a written educational policy for the city and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting written policies, the board shall directly, or indirectly through the superintendent, consult with ~~the professional organization representing the majority of the certified employees and in addition shall also consult with~~ professional assistants, principals, teachers, and interested citizens. The city board shall establish the policies and adopt rules and regulations. The written policies, rules, and regulations so established, adopted, or promulgated shall be made available to all ~~teachers~~ persons affected and employed by the city board. Any subsequent amendments to the policies, rules, and regulations shall be developed in the same manner and furnished to the ~~teachers~~ affected persons employed by the local board within 20 days after adoption thereof.

“§ 16-13-52.1.

“(a)(1) Notwithstanding any provision of law to the contrary and specifically notwithstanding Section 16-13-52, in determining the number of teacher units for the purpose of apportioning the state minimum program and the state kindergarten program, one teacher unit shall be allowed for the specified number of pupils in average daily attendance in subdivision (2) ~~of this subsection~~, during the first four scholastic months of the preceding school year in all the public schools of the counties, including schools in the independent cities therein; ~~provided, that those~~ Those systems which show an increase in average daily attendance during the first scholastic month of the current year may be allowed one additional teacher unit for each specified number of pupils in subdivision (2) ~~of this subsection~~ in ~~such an~~ increase in average daily attendance for ~~such the~~ current year.

“(2) Beginning in the 1988-1989 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten classroom; during the 1989-1990 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten and in one-half of all grade one academic classrooms; during the 1990-1991 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ through to grade one, inclusive, academic classroom; during the 1991-1992 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ through to grade one, inclusive, and in one-half of all grade 2 academic classrooms; during the 1992-1993 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ through to grade 2, inclusive, academic classroom; during the

1993-1994 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ grade two, inclusive, and in one-half of all grade three academic classrooms; during the 1994-1995 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ grade three, inclusive, academic classroom; during the 1995-1996 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ grade three, inclusive, and in one-half of all grade four academic classrooms; during the 1996-1997 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ grade four, inclusive, academic classroom; during the 1997-1998 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in each kindergarten ~~through to~~ grade four, inclusive, and one teacher unit shall be allowed for each 24 pupils in average daily attendance in each grade five and grade six academic classroom; during the 1998-1999 school year, one teacher unit shall be allowed for each 17 pupils in average daily attendance in all kindergarten ~~through to~~ grade four, inclusive, academic classrooms and one teacher unit shall be allowed for each 24 pupils in average daily attendance in all grade five ~~through to~~ grade eight, inclusive, academic classrooms; and during the 1999-2000 school year one teacher unit shall be allowed for: (i) each 17 pupils in average daily attendance for all kindergarten ~~through to~~ grade four, inclusive, academic classrooms, (ii) each 24 pupils in average daily attendance for all grade five ~~through to~~ grade eight, inclusive, academic classrooms and (iii) each 26 pupils in average daily attendance for all grade nine ~~through to~~ grade 12, inclusive, academic classrooms. It is further provided that upon achieving and fully funding each ratio for respective grade levels kindergarten ~~through four (K-4) to eight, inclusive~~, that is provided for in this section, no academic classroom in said grade levels shall consist of more than ~~25~~ 20 students per teacher.

“(3) It is the intent of the legislature that local school systems experiencing extraordinary increases in attendance receive payment for additional current teacher units earned as early in the school year as possible. The State Superintendent of Education shall certify to the state budget officer the amount for additional current teacher units earned and shall adjust the local school system’s regular allocation of state funds, and make requisition on the State Comptroller accordingly, within thirty days of receipt of the first month attendance report.

“(b) It is further provided that the additional teacher units earned under ~~the provisions of~~ subsection (a) shall be allocated to each of the respective school systems for the employment of classroom teachers. No more than one in 15 teacher units earned under ~~the provisions of~~ subsection (a) shall be employed as support units. The county and city boards of

education shall not reduce the number of teacher units employed from local funds as of August 12, 1987. Local school systems shall not receive other current expenses, capital outlay, and other support costs for any units earned under this section unless the system employs the personnel earned pursuant to this section. Each local board of education shall submit to the state superintendent of education, along with the annual budget, a written assurance that the funds provided pursuant to this section shall be used in compliance with this section. Each local board of education shall submit to the State Superintendent of Education, along with the financial statement, a signed affidavit certifying that the units earned under this section were used for the employment of teacher and support units to reduce pupil-teacher ratios. The State Department of Education shall monitor all local school systems to determine compliance with this section. Failure of a local school system to comply during any given year shall result in the loss of the increase in state funds earned under this section during that particular year.

“(c) In those years in which one-half of a grade level is affected in the reduction of the pupil teacher ratio pursuant to this section, the total number of new teacher units earned for that partial grade shall be allotted to each school system based on the proportion that each school system’s average daily attendance bears to the total average daily attendance of all public school systems.

“(d) Funding to reduce the pupil teacher ratio under subsection (a) shall be appropriated from the Alabama special educational trust fund annually. By the first legislative day of each regular session of the legislature, the Legislative Fiscal Office shall make an estimate of the receipts to the Alabama special educational trust fund pursuant to Section 29-5-7, as amended, and the executive budget office shall make an estimate of the receipts to the Alabama special educational trust fund pursuant to Section 41-4-85, as amended. When it is confirmed by both the Legislative Fiscal Office and the executive budget office that the new and continuing revenue into the Alabama special educational trust fund for the succeeding fiscal year is equal to or greater than ~~\$37,500,000~~ thirty-seven million, five hundred thousand dollars (\$37,500,000), then the program under subsection (a) shall be implemented. If either estimate for any fiscal year is less than ~~\$37,500,000~~, thirty-seven million, five hundred thousand dollars (\$37,500,000) the average of the two estimates shall be determined and if that amount equals or exceeds ~~\$37,500,000~~ thirty-seven million, five hundred thousand dollars (\$37,500,000), the program shall be implemented. However, if the average of the two estimates is less than ~~\$37,500,000~~ thirty-seven million, five hundred thousand dollars (\$37,500,000), the program is automatically suspended for the succeeding fiscal year. However, in any year that a house and senate joint resolution is passed by each chamber and signed by the Governor affirming that fiscal constraints prevent the imple-

mentation of this section the schedule for reducing the pupil teacher ratio may be temporarily suspended for one fiscal year. The schedule shall then resume in the following fiscal year beginning with the grade level scheduled during the period of suspension.

“(e) Notwithstanding any provision of law to the contrary, principals, librarians, counselors, and any other certificated employees who do not have regular and substantial classroom instructional responsibilities shall be excluded in determining the pupil-teacher ratios as provided in this section.”

~~“(e)(f)~~ Upon full implementation of subsection (a) of this section, subsection (a) of Section 16-13-52 is hereby expressly repealed.

“16-23-1.

“(a) No person shall be employed in the public schools of the state as county superintendent of education, city superintendent of schools, assistant superintendent, supervisor, principal, teacher, or attendance officer unless ~~such the person shall hold~~ holds a certificate issued by the state superintendent of education.

“(b) Certified teachers shall teach within their area of certification.”

“(c) Beginning in the 1997-98 academic year, in order to be certified to be employed in the public schools of the state as a school counselor, each new guidance counselor shall have a college or university major in psychology in addition to meeting teacher education requirements.”

“§ 16-23-14.

“For the purpose of setting up standards for the preparation of teachers, supervisors, and administrative employees for service in the public schools, the state board of education shall, subject to other provisions of this chapter, authorize and prescribe minimum requirements on institution accreditation, student entrance standards, academic standards to be maintained by students, courses of study, organization, qualifications of instructors, buildings and equipment, and sanitary conditions, ~~and it~~ . It shall be the duty of the state superintendent of education or his ~~or her~~ professional assistants to visit institutions engaged in teacher-training, hold conferences with the teachers and officials of ~~such the~~ institutions, explain the requirements of the state board of education relating to the preparation of teachers, look into the character of work being done, and perform ~~such~~ other services ~~as may be~~ deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state.

“§ 16-27-1.

“(a) The state board of education shall prescribe the following rules and regulations:

“(1) Requiring all local boards of education which provide transportation services for pupils going to and from public elementary and secondary schools of Alabama or in school-related activities, and the presidents of all state community, junior, and technical colleges and directors of all state technical institutes and trade schools which provide transportation services for pupils going to and from ~~said the~~ technical institutes and trade schools or community, junior, and technical colleges to ~~employ a competent supervisor or manager~~ ensure competent supervision of such transportation services, whether ~~such the~~ transportation services are provided in publicly owned or privately owned buses;.

“(2) Requiring periodic safety inspection of all vehicles used for transporting pupils, whether ~~such the~~ vehicles are publicly or privately owned;.

“(3) Requiring and providing for special training and licensing of drivers of all vehicles used to transport pupils to and from school and in all school-related activities, whether ~~such the~~ vehicles are publicly owned and operated or operated under contract with a private owner.

“(4) Requiring that no child shall have to ride a bus more than 120 minutes as part of the daily commute to and from school.

“(b) All buses now in use that were built before 1977 shall be replaced immediately after the effective date of this amendatory act. State funds shall be provided for this purpose and administered by the State Board of Education in an equitable manner. In addition, a schedule of replacement shall be developed by each local board to replace unsafe buses each year thereafter.

“§ 16-27-6.

“(a) No school bus shall be operated on a public street, highway, or elsewhere unless it ~~shall be~~ is equipped with a seat belt for the driver.

“(b) The driver of a school bus while transporting pupils on a public street or highway or elsewhere shall wear a properly fastened seat belt when the bus is in motion. Failure of a bus driver to comply with this requirement shall be prima facie evidence of nonfeasance of duty, and any driver who fails to comply with this requirement shall be subject to dismissal.

“(c) Every contract between a board of education and a school bus contract operator shall contain a clause requiring the driver of a school bus to wear a properly fastened seat belt when the bus is being used for the transporting of pupils on a public street or highway or elsewhere. Failure of any driver to comply with this requirement shall constitute a breach of contract on the part of the contract operator.

“(d) All new school buses purchased after the effective date of this amendatory act shall be equipped with passenger seat belts. Passengers on buses equipped with passenger seat belts shall wear a properly fastened seat belt when the bus is in motion.

“§ 16-35-5.

“In every public elementary school in the state there shall be taught reading, spelling, ~~and~~ writing, arithmetic, oral and written English, geography, history of the United States and Alabama, ~~elementary~~ science, health education, physical education, and ~~such any~~ other studies ~~as may be~~ prescribed by the ~~state~~ local board of education.

“§ 16-36-1.

“(a) There is ~~hereby~~ created a committee to be known as the state textbook committee.

“(b) ~~It shall be the duty of the said committee to~~ The State Textbook Committee shall consider the merit of textbooks offered for use in the public elementary and high schools of the state and ~~to~~ make recommendations to the state board of education as hereinafter provided. In making ~~such~~ recommendations, ~~said the~~ committee shall consider any recommendations made by the committee on courses of study or by the state ~~superintendent board~~ of education. The state textbook committee in its recommendations shall consider the advisability of staggering adoptions in order that expenditures for textbooks may be equalized from year to year insofar as practicable.

“(c) As used in this chapter, the term ‘textbook’ shall include textbooks, software, and other technology-related instructional materials, and publications and instructional materials that are not academically based but deal with or focus, or both, on student behavior, attitudes, values, or other emotional fields of evaluation.

“§ 16-36-2.

“(a) The state textbook committee shall be composed of 23 mem-

bers. Four of ~~such the~~ members shall be secondary school classroom teachers and four elementary school classroom teachers. One of these eight members shall be appointed from each of the seven congressional districts, as ~~such the~~ districts are now constituted, and one shall be appointed statewide. There shall also be four members appointed from the state at large, and these four members may be either classroom teachers or persons actively engaged in the supervisory or administrative capacity in the field of education. There shall be two members of the committee who are employees of state institutions of higher learning. These 14 members of the state textbook committee shall each be appointed by the state board of education upon nominations made by the state superintendent of education. Nine members shall be appointed by the governor, subject to the confirmation of the senate, one from each of the seven congressional districts, as ~~such the~~ districts are now constituted and two appointed statewide, ~~and, these~~ The two appointed statewide shall be members of ~~local~~ city or county boards of education at the time of their appointment. All members of the textbook committee shall be appointed for terms of one year, beginning on the first day of May. ~~Two of the members appointed from the congressional districts shall be recommended by the state superintendent of education.~~ These nine additional members shall have general knowledge of the subject area to be considered for textbook adoption, ~~and~~ shall be supportive of public education, ~~and~~ shall have a demonstrated an ability to read and write at a post high school level, and shall not be employed in public education.

“(b) Vacancies in the office of any of the committee members shall be filled by the original appointing authority, and the appointee shall hold office for the unexpired term and until his or her successor is appointed and qualified.

“(c) In order to qualify as a member of the committee, each person appointed shall make an affidavit to be filed with the state board of education within 10 days after notice of his or her appointment that he or she will discharge faithfully all the duties imposed upon him or her as a member of the state textbook committee; that he or she has no interest, directly or indirectly, in any contract that may be made under this chapter; that he or she has no interest as author, as associate author, as publisher, or as a representative of the author or publisher of any textbook; that he or she has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing, or selling textbooks; that he or she will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his or her agents, or anyone interested in or intending to bias his or her judgment in any way in the selection of any textbook up for adoption; ~~also and~~ that he or she will not reveal to anyone, except to the state board of education, the findings, ratings, or grading of the state textbook committee.

~~“(d) It shall be is a misdemeanor for any member of said the committee or the secretary thereof, or for any other person, to disclose ratings and gradings to anyone except to the state board of education, until after the contracts are made, and anyone found guilty of doing so shall be fined not exceeding \$500.00 more than five hundred dollars (\$500) and also may be imprisoned or sentenced to hard labor for a term not exceeding six months.~~

~~“(e) The vacancies created by the passage of Act No. 82-736 shall be filled immediately and those appointed shall serve until confirmed by the senate during the first legislative session subsequent to the passage of Act No. 82-736. All subsequent appointments by the governor shall be submitted and confirmed by the senate by April 1 of each year thereafter.~~

“§ 16-36-4.

“A local textbook selection committee or committees shall be appointed by each separate county and city board of education; the number, size, and composition of the committee or committees to be determined by each local school board but a minimum of 40 percent of the members of the committee or committees shall not be employed in public education. A copy of local school board policies in regard to local textbook selection committees shall be filed with the state superintendent of education. Names of each person serving on a local textbook selection committee shall also be filed with the state superintendent of education. In order to qualify as a member of the committee, each member of the local textbook committee and its secretary shall make an affidavit to be filed with the county or city board of education within 10 days after notice of his or her appointment that he or she will discharge faithfully all the duties imposed upon him or her as a member or as secretary of the ~~said~~ textbook committee; that he or she has no interest, directly or indirectly, in any contract that may be made under this chapter for the purchase of textbooks; that he or she has no interest as author, as associate author, as publisher, or as representative of author or publisher of any textbooks; that he or she has no pecuniary interest, directly or indirectly, in the business or profits of any person, firm, or corporation engaged in manufacturing, publishing, or selling textbooks; that he or she will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his or her agent, or anyone interested in or intending to bias his or her judgment in any way in the selection of any textbook for adoption. Members shall serve for terms of three years; except; that the initial appointments shall be made in such a manner that one third of the members of each committee shall serve for terms of one, two, and three years respectively.

“§ 16-36-5.

"Local textbook committees shall meet on call of the ~~chairman chair~~ of local boards of each school system for the purpose of selecting textbooks from the list of adoptions by the state board of education or, if authorized by law applicable to such local system, to select textbooks from a list submitted to the committee for consideration by the proper local authority. No textbook shall be used in any public school of this state unless selected by a local textbook committee from the list of textbooks adopted by the state board of education or as otherwise provided by law. Publishers shall furnish samples of all state-adopted textbooks to each separate city and county board of education for evaluation by the local textbook selection committee. One copy of each textbook adopted by the local textbook committee shall be retained by the city or county board of education as official samples. All samples not adopted by the local boards shall be returned to the publishers at the expense of the publishers, and samples of those books adopted shall become the property of the local boards of education; ~~however, if~~ If the publisher fails to reclaim ~~his~~ samples of nonadopted books within 90 days, the sample books shall become the property of the state department of education's library service. Those local school systems currently having the right to adopt and use textbooks that are not on the state list of adoptions shall continue to have such right under this chapter, and the cost and expense of acquiring such textbooks shall be paid from funds credited to the local systems in the state textbook fund.

"§ 16-36-10.

"All adoptions recommended by the state textbook committee and subsequently adopted by the state board of education shall be for a period of six years, and no change shall be permitted within ~~such the~~ period unless recommended to the state board of education by the state textbook committee.

"In addition to all other laws which forbid the use of textbooks in the public schools of the state by authors who are members of the communist party or members of communist front organizations, all contracts with publishers for furnishing state-owned textbooks shall stipulate that the author or authors of ~~such the~~ book or books is not a member of the communist party or known advocate of communism or Marxist socialism and is not a member of the communist party or of a communist front organization.

"The state board of education shall establish procedures to stabilize the expiration of publishers' contracts for state-adopted books in a manner to effect an orderly review and new adoption of textbooks ~~within the financial limitations imposed by this chapter.~~

"§ 16-36-26.

~~“Any funds appropriated for the purpose of furnishing state-owned textbooks in the tax-supported schools of the state shall be expended in the following manner: In any county of the state where the pro rata share of the county’s part of the sum or amount appropriated for the purpose of furnishing state-owned textbooks is not sufficient to provide free textbooks for all of the grades in the public schools, then the authority charged with the duty of purchasing such books shall purchase enough books with the available funds to supply the first grades with books; and, if any funds remain after books for the first grades have been purchased, then the same authority shall purchase enough books for the second grades of the public schools; and in like manner shall purchase books for the third, fourth, fifth and sixth grades and so forth in the order of grades insofar as the funds allotted to the county will permit. All such purchases of required textbooks and other state-adopted textbooks and other instructional materials shall be done in the manner now provided by law for the purchase of all state-owned and state-adopted textbooks and other instructional materials. Any funds in the state treasury which have accrued or which shall accrue to the credit of the textbook purchasing board shall be administered as now provided by law.~~

~~“The state board of education is hereby empowered to~~ may ~~pre-~~scribe regulations for the proper care of and accounting for state-owned textbooks.

“§ 16-36-27.

~~“The state board of education shall provide as many textbooks as the appropriation available will provide for the use of all pupils enrolled in the public schools of the state so that no pupil shall be without a textbook except in courses of study which do not require one book for each pupil and except in courses of study not prescribed by the state courses of study committee. Any provision herein to the contrary notwithstanding, all appropriations, rebates from any textbook depository under prior contract or funds otherwise available for the purchase of textbooks by the state shall be expended first to supply sufficient textbooks for each pupil in the first grade to have a copy of each textbook prescribed for use in the first grade, second to supply sufficient textbooks for each pupil in the second grade to have a copy of each textbook prescribed for use in the second grade, and so forth in the order of grades until the funds available for state furnished textbooks shall have been exhausted; provided, however, that in courses such as reading, where several textbooks are used one after another, it shall be considered a sufficient compliance with the requirements of this section if each school system shall have sufficient textbooks for each such course for each pupil in each grade to have one of the books currently being used by the group or class to which such pupil is assigned~~ supervise a state funded textbook program for grades K-12 to ensure that all students have current

textbooks and appropriate instructional materials and supplies. Students shall have access to textbooks or other supporting material as appropriate for their course work. Where textbooks are assigned in a class, every student shall have his or her own copy of the assigned textbook of the correct edition, which he or she shall be permitted to take home each day for home study for the entire school year or for the portion of the year when the book is assigned. It is intended that assigned books shall be in use no longer than seven years, and shall be maintained in suitable condition. Sufficient instructional supplies and materials shall be provided. The superintendent of education of each county and city school system ~~and the superintendent of city schools of each city school system~~ shall, on or before the first day of February in each year, certify to the state superintendent of education either that the school system of which he or she is superintendent has sufficient books to comply fully with the preceding provision or the number of books of each title and each grade which are required for ~~such the~~ school system to comply with the preceding provision. The state superintendent of education shall, on the basis of reports from local superintendents hereinabove required, certify to the state board of education the exact deficiency in available textbooks for pupils enrolled in public schools in the state; and ~~such the~~ deficiency shall be remedied by providing additional textbooks, before the expenditure of any state funds for other textbooks. ~~No book shall be purchased with state funds for a local board of education for use of pupils in any grade unless textbooks in each subject shall have been provided for every pupil enrolled in the next lower grade in such school system.~~

“§ 16-60-111.1.

“For the sole purpose of assisting the board in carrying out its authority and responsibility for each of the junior colleges and trade schools, the board shall ~~have the authority to~~ appoint a chancellor who will also be chief executive officer of the postsecondary education department. The chancellor shall serve at the pleasure of the board and perform ~~such duties as~~ assigned by the board, ~~; provided, however, that the~~ The board may enter into a contract with the chancellor for his or her services for a period not to exceed ~~four~~ two years, at the end of which period a new contract may be entered into after review and evaluation by the board. The chancellor shall be a person of good moral character with academic and professional education equivalent to graduation from a recognized university or college, who is knowledgeable in postsecondary institution administration, and has training and experience sufficient to qualify him or her to perform the duties of ~~his~~ the office.

“§ 16-60-111.2.

“The ~~authority and responsibility for the~~ operation, management,

control, supervision, maintenance, regulation, improvement, and enlargement of each of the junior colleges and trade schools shall be ~~vested in~~ administered by the chancellor, subject to the approval of the board.

“§ 16-60-111.6.

~~“Except where otherwise clearly indicated herein the board will delegate to the chancellor, authority for the~~ The chancellor to act and shall make decisions recommendations to the State Board of Education concerning the management and operation of the junior colleges and trade schools. The president of each junior college and trade school shall be responsible to the chancellor for the day-to-day operation of each school.

“§ 16-60-111.8.

~~“Upon this section becoming law, the board and~~ considering the advice of the state superintendent of education, shall ~~be authorized to~~ take all administrative action, including transfer of funds appropriated to the state board of education for administration of the junior college and trade school program, necessary to carry out the intent and purpose of this article.”

Section 7. Sections 16-1-24.2, 16-1-29, 16-1-30, 16-1-31, 16-1-32, and 16-1-33 are added to Code of Alabama 1975, to read as follows:

§ 16-1-24.2. Alternative school programs.

(a) The Legislature finds and determines that there is a compelling need for alternative school programs to ensure school environments for all students that are conducive to learning. The Legislature finds the need to establish within each county in Alabama at least one alternative school program for students who, through the violation of state or local board of education policy, interfere with the learning environment of other students.

(b) For purposes of this section an alternative school program shall be defined as a school or classroom apart from the regular school program where students are assigned for an extended period of time, such as six weeks, a semester, or one year. The intent of the Legislature is the provision of an alternative learning environment, separated from the regular school program, for those students who consistently exhibit behaviors or patterns of behavior that interfere with the learning environment of other students.

(c) The State Board of Education shall establish guidelines for the development, implementation, and maintenance of the alternative school

programs created pursuant to this section. Each local board of education shall establish a criteria to determine whether a student should be placed in an alternative school and shall establish a legal process providing for notice and due process hearings prior to such placement. The criteria shall identify those students who consistently exhibit behaviors or patterns of behavior that interfere with the learning environment of other students. The local board, after conducting a due process hearing, shall place a student satisfying this criteria in an alternate school. The student shall remain in the alternate school until the local superintendent of education, upon the recommendation of the principal of the alternate school, determines the student will no longer interfere with the learning environment of other students.

(d) Each county board of education, in those counties not having any city school systems therein, shall operate and maintain, in accordance with subsection (c), at least one alternative school program for students who, by violation of state or local board policy, have disrupted the learning environment of other students in the regular school.

(e) In those counties where city school systems have been established, the local boards of education shall together designate one local board of education to operate and maintain, in accordance with subsection (c), an alternative school program. Those boards of education not maintaining and operating an alternative school program shall contract with the designated board of education for the services of the alternative school program as needed.

(f) Nothing in this section shall be construed to preclude or prohibit local boards of education from providing additional alternative programs for students at risk of school failure; such as in-school suspensions, Saturday school, extended school programs, or tutorial programs.

§ 16-1-29. Collection of incidental fees in elementary schools.

No fees of any kind shall be collected from children attending public schools in the state in connection with courses or activities required for promotion or advancement. This section shall in no way affect or restrict the right or power of a school board to fix and collect tuition fees or charges from pupils who attend schools under the jurisdiction of the board but who live outside the territory over which the board has jurisdiction.

§ 16-1-30. School buildings.

All students in the public schools shall be provided with school facilities that are conducive to an effective teaching and learning environment and meet all of the following requirements:

(1) School buildings shall be safe and shall have adequate space, heating, and air conditioning. School grounds shall be safe, clean, appropriate to the educational mission of the school, and shall provide for proper drainage;

(2) All instruction, including instruction for special education students, shall occur in classrooms or other appropriate instructional spaces that are of suitable size and format. Schools shall have adequate science laboratories and facilities and equipment for computer and foreign language instruction; administrative offices; sick rooms or infirmaries; auditoriums; gymnasiums; cafeterias; athletic facilities and playgrounds, as age-appropriate; music, art, and drama facilities; and vocational facilities.

(3) Schools shall have school libraries and media spaces that are appropriate in size, equipment, lighting, and materials for the number and age range of their students. School libraries and media centers shall contain a sufficient number of books, periodicals, and other media resources to serve their student bodies in an appropriate manner. Books and other media resources shall be catalogued and maintained by the services of a certified media specialist.

(4) Schools shall have appropriate maintenance service that provides systematic repair and care of the site, buildings, and equipment. School buildings and grounds shall be clean and sanitary. Sufficient maintenance and janitorial services shall be provided so that principals, teachers, parents, and students are not required to perform maintenance or janitorial tasks. Broken windows shall be fixed with reasonable speed; roofs shall be repaired and not permitted to continue to leak; termites and other pests in schools shall be exterminated as needed; schools shall not have unsafe levels of asbestos or radon as determined by any applicable federal standards; and school drinking water shall be drinkable and safe.

§ 16-1-31. Schools to participate in breakfast program.

Every public school in the state of Alabama eligible to participate in the federal school breakfast program established pursuant to the Child Nutrition Act of 1966, set forth at 42 U.S.C. § 1771, et seq., shall do so, unless exempted by the State Superintendent of Education. The State Board of Education shall establish rules and regulations for the granting of the exemptions.

§ 16-1-32. Personal leave for support personnel at Alabama Institute for Deaf and Blind, public two-year educational institutions, and Alabama School of Fine Arts; funding.

(a) When used in the section, the following terms shall have the following meanings:

(1) **EDUCATIONAL AUTHORITY.** The Alabama Institute for Deaf and Blind, all public two-year educational institutions, and the Alabama School of Fine Arts.

(2) **SUPPORT PERSONNEL or EMPLOYEE.** Maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other noncertificated employee who works an average of 20 hours weekly and who is not otherwise covered by the State Merit System or Teacher Tenure Law.

(b) Each educational authority shall grant two days of personal leave with pay to its support personnel during the time schools are in session. Additional days may be granted by the educational authority at its discretion. No employee, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting the leave. The board of control of the educational authority shall enact policies providing for uniform administration of personal leave.

(c) Funding for two days of personal leave shall come from appropriations made through the annual appropriations act. Funding for additional personal leave days shall be at the expense of the educational authority.

§ 16-1-33. Restructuring of elementary education.

The State Board of Education shall develop and implement a statewide, long-range plan for restructuring elementary education. This plan shall be based on the following principles:

(1) Schools shall offer all students a high-level core academic curriculum of reading, writing, English, and mathematics for grades K to 5, inclusive, and support to stay in school and take advantage of that curriculum. The core curriculum shall provide all students with access to the knowledge and skills necessary to be successful when they reach middle, junior high, and high school.

(2) The general track of undemanding courses to which too many of our students have been relegated shall be abolished.

(3) Other than the core curriculum courses of reading, writing, English, and mathematics, each school with a school council and the local

board of education for schools with no school council, shall select other curriculum for that particular school.

(4) Schools shall not be held to any one model but shall be allowed to select and develop course offerings and methods of course delivery that are adapted to the local characteristics and needs of the school and its students.

(5) The state shall provide schools with adequate resources and technical assistance to support all aspects of the elementary school curriculum.

(6) Schools shall not track students, relegate particular students to a general track of undemanding courses or design course work that forecloses educational options for the students. Programs shall not result in defacto tracking and shall include safeguards to insure that factors such as socioeconomic status, race, gender, and disability do not limit or determine students pursuits.

(7) In order to overcome education deficiencies and in order to meet education performance standards, the State Board of Education shall identify programs for local school systems that provide intensive instruction to students who are low income or low performing or both. All at-risk students in grades K to 5, inclusive, and all at-risk students failing to meet student performance standards in grades K to 5, inclusive, shall be provided with effective educational programs as defined in this act.

(8) Students shall be encouraged to learn at the highest level possible according to individual ability and achievement.

(9) The State Board of Education shall by regulation prescribe exemptions from the requirement of class size for classes such as band, chorus, physical education, innovative instructional practices, and for other exceptional circumstances.

(10) The State Board of Education, upon the recommendation of the State Superintendent, shall establish a basic core curriculum course of study based upon basic standards of education.

Section 8. (a) The Chancellor shall submit for approval by the State Board of Education the following matters for all state two-year post-secondary institutions:

(1) Proposed new programs and courses of study.

(2) Names of individuals proposed for hiring as presidents and department heads.

(3) Proposed additions and changes to operational facilities, including any exterior and interior design or architectural changes, or both.

(b) The Chancellor shall prepare a detailed annual report for the State Board of Education outlining program duplication, evaluating the need for course offerings based on student participation and cost accountability of individual two-year postsecondary institutions in relation to community need and participation.

(c) The president of each two-year postsecondary institution shall be hired by the board, upon the recommendation of the Chancellor, for a period not to exceed three years, renewable for subsequent three-year contracts upon review and evaluation by the Chancellor and the State Board of Education. The president shall be responsible to the Chancellor for the day-to-day operation of each school, submitting to the Chancellor, for approval by the State Board of Education all new programs and courses of study, the names of individuals proposed for hiring as department heads, and proposed additions and changes to operational facilities, including exterior and interior design or architectural changes, or both.

(d) The Chancellor and two-year postsecondary institution presidents shall be accountable to the State Board of Education for reducing unnecessary program and course duplication and shall present an annual financial report to the State Board of Education, outlining the amount of funds directed to instructional costs and funds directed to administrative expenditures. Results of these reports shall be considered by the board when reviewing contract renewals for the Chancellor and presidents.

Section 9. (a) Public school students shall be taught to read by a systematic, intensive, and direct phonics and word analysis and decoding method of reading instruction in addition to other successfully proven, nationally recognized and accepted reading methods.

(b) A school's reading curriculum shall be placed in the school's library for any person to examine.

(c) Beginning not later than the 1995-96 academic year, local boards of education shall provide a systematic, intensive, and direct phonics and word analysis and decoding method of reading instruction to all public elementary school students.

(d) The State Board of Education shall establish a minimal pass-

ing score for reading skills mastery to enable every child to be functionally literate as determined by a nationally recognized and commonly accepted normed-referenced, criterion-referenced reading achievement sub-test or diagnostic reading test. Students who are determined to be learning disabled as classified by Pub. L. No. 94-142 shall be given opportunities to develop reading skills mastery commensurate with the limits of their disability. Local school boards may establish a higher level of reading mastery score than that required by the State Board of Education as the state minimum. Students in grades one to three, inclusive, who fail to achieve the minimal score in reading for their specific grade level shall be retained in that grade or receive additional reading instruction until they increase their individual reading skills beyond the minimal requirement.

(e) All college and university departments of education shall include extensive training in systematic, intensive, and direct phonics and word analysis and decoding instruction for students seeking certification to teach in grades K to three, inclusive, of Alabama public schools. Upon implementation of this act, systematic, intensive, and direct phonics and word analysis and decoding instruction shall immediately be added as a required course of study at all colleges and universities in the State of Alabama with schools of education which train candidates for state teacher certification.

(f) Local boards of education shall require in-service training for elementary teachers who have not previously received such training and certification in systematic, intensive, and direct phonics and word analysis and decoding instruction.

Section 10. (a) The Legislature finds that Section 16-40-3, Code of Alabama 1975, was repealed by Act 91-323, 1991 Regular Session (Acts 1991, p. 602), and intends that the teaching of the advantages of the free enterprise system be required in the public schools of this state commencing with the 1995-96 academic year.

(b) In all public high schools of this state, adequate instruction shall be given contrasting the government of the United States of America with the communist and socialist types of government and shall emphasize the free-enterprise competitive economy of the United States of America as the one which produces higher wages, higher standards of living, and greater personal freedom and liberty than any other system of economics on earth.

Section 11. In order to adequately inform and help the public accurately evaluate the performance of our public schools, the following shall be reported annually to the public and the media on a specified date established by the respective board:

(1) The State Board of Education shall issue an annual report to be known as the "Report Card on Our Schools and School Systems" on the performance of schools and school systems on criteria established pursuant to Section 16-3-18.4 (c)(9), Code of Alabama 1975.

(2) Local boards of education shall issue an annual education status report that shall include an assessment of student performance by school and an evaluation of system-wide student performance. Student performance shall be evaluated on criteria established by the State Board of Education, which criteria shall include, but not be limited to, the results of academic assessments provided for in Section 16-3-18.3, Code of Alabama 1975; the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher, and student satisfaction; parental involvement; and other measures deemed appropriate by the board. The parents' advisory committee of each school shall be responsible for supplying the information on parent, teacher, and student satisfaction as provided for in Section 16-10-9, Code of Alabama 1975. Local boards of education shall furnish this information to parents or guardians of students enrolled in public schools of their respective system in the form of a "Report Card on Our Schools and School Systems." After a school or system has been non-accredited or accredited probationary for three years after the effective date of this act, the Report Card on our schools and school systems furnished to the parents or guardians of students enrolled in the school or system shall include a notice to parents or guardians that they have a right to choose another public school for their child to attend, as provided for in Section 16-3-20.1, Code of Alabama 1975, and that their child would have priority status for new openings in other public schools if they choose to transfer.

Section 12. To ensure the implementation of and continuing compliance with Chapters 39 and 39A, Title 16, Code of Alabama 1975, relating to the education of exceptional children and special education of pre-school handicapped children, the State Board of Education:

(1) May contract for the services of qualified personnel to assist local boards of education in complying with Chapters 39 and 39A, Title 16, Code of Alabama 1975.

(2) Shall establish and local boards of education shall implement a program to provide specialized instruction and related services individually designed to provide educational benefit to the child with disabilities.

(3) Shall request funding from the Legislature for the requirements of this section and Chapters 39 and 39A, Title 16, Code of Alabama 1975,

based upon the needs of the State Department of Education, local school boards, the Board of Trustees of the Alabama Institute for the Deaf and Blind, the Board of Youth Services Department District, the Alabama School of Math and Science, and the Alabama School of Fine Arts.

Section 13. (a) The State Board of Education and county and city boards of education shall be accountable for providing a strong educational system in Alabama and for enforcing curriculum standards. Each county and city board of education shall develop and publish a plan for the distribution of funds to ensure equitable educational opportunities for each student. Prior to the adoption and implementation of the plan, each city or county board of education shall provide opportunities for input from parents, employees, and other interested citizens.

(b) The staff of the State Department of Education shall receive state-of-the-art training so that the staff can serve as an educational resource to the employees of county and city boards of education.

(c) Each county and city superintendent of education and the staff at each central office shall serve as a resource to assist teachers and school personnel in rendering state-of-the-art practices in the schools. County and city boards of education shall fully and equitably fund all mandated instructional programs.

Section 14. The State Board of Education shall develop a plan for initially directing extra funding to local school districts that have heretofore not been able to offer adequate educational opportunities because of past inequitable funding in order to help bring those districts into a more equitable relationship with other districts. It is the intent of the Legislature that this compensatory assistance include, but not be limited to, textbooks and distance learning centers. The State Board of Education shall examine the cost effectiveness of using distance learning or hiring a new teacher for each school district and shall submit the plan to the Legislature.

Section 15. (a) It is the intent of the Legislature to increase parents' involvement in their children's education, to increase parental and community involvement in the public schools, and to increase local control over local public schools.

(b) Local boards of education shall require teachers to make parents and teachers conferences available to parents and guardians.

Section 16. Sections 16-8A-1, 16-8A-2, 16-8A-3, 16-8A-4, 16-8A-5, 16-8A-6, 16-8A-7, and 16-8A-8 are added to the Code of Alabama 1975, to read as follows:

§ 16-8A-1. Custodian of funds.

The local school board shall appoint a qualified person to be custodian of the funds of the local school board. The custodian shall give bond with a surety company authorized to do business in Alabama in an amount set by the local board of education as approved by the State Superintendent of Education. A certified copy of the bond shall be filed by the local board of education with the state superintendent. The custodian shall (1) receive and take charge of all moneys to which the local board of education may be entitled by law or which may come into its possession for public school purposes, (2) pay out the moneys, but only on written order of the local superintendent of education, approved by the chair of the local board of education, (3) keep an accurate record of all receipts and expenditures, and (4) make such reports as may be required by law, by the local board of education or by rules and regulations of the State Board of Education. The records and accounts of the custodian shall be audited as early as possible after July first of each year, and the audit report may be published.

§ 16-8A-2. Annual report published.

The local board of education shall publish annually in the month of October in a newspaper of general circulation in the local board's jurisdiction (1) a full and complete statement of its receipts by source and disbursements by function for the 12 months' period ending September 30 in such form as is required by the State Superintendent of Education at the same time it forwards the statement to the State Superintendent of Education and (2) a statement of the outstanding indebtedness of the board of education as of September 30, which statement must show a. the schedule by years for retiring said indebtedness, b. separate figures for funded indebtedness, and unfunded indebtedness, and c. the resources available to pay any unfunded indebtedness. The local board of education may also prepare and publish annually in sufficient quantities for distribution in its jurisdiction a report covering the condition, current accomplishments, and needs for the improvement of the schools. The refusal or negligent failure of any member of the local board of education to comply with this section shall constitute a misdemeanor, and the State Superintendent of Education shall withhold the payment of public school funds until the local board complies with this section.

§ 16-8A-3. Authority for risk management cooperative.

(a) DEFINITIONS. For the purpose of this section, the following terms shall have the meanings subscribed to them by this section:

(1) MEMBER BOARDS OF EDUCATION. A city board of

education, county board of education, Department of Youth Services School District, Alabama Institute for Deaf and Blind, State Board of Education, or other public education governing board which elects to pool its resources and funds with one or more other boards of education for the purpose of forming a risk management cooperative.

(2) **RISK MANAGEMENT COOPERATIVE.** An entity or entities, to be formed by local boards of education in any combination of 25 or more for the purpose of pooling resources and funds to jointly purchase insurance or to self-insure boards of education and their members and employees against risks.

(b) Boards of education in any combination of 25 or more may establish a risk management cooperative for the purpose of pooling resources and funds to provide risk management alternatives for each member board of education and other named insureds. Member boards of education may appropriate necessary funds to the risk management cooperative created hereunder.

(c) Each risk management cooperative established under this section shall establish a governing body of trustees; establish bylaws for the governing of the group; enter into contracts with member boards of education; establish a schedule of benefits payable; establish a schedule of charges to be collected from member boards of education for benefits provided; enter into contracts with solvent insurers to provide excess coverage; enter into management and consultant contracts; hire attorneys and employees; and, exercise powers and authority incident to the purposes of this section.

(d) Each risk management cooperative established under this section shall file with the Commissioner of Insurance a copy of its bylaws and schedule of benefits and charges. Each risk management cooperative shall also annually file with the Commissioner of Insurance a certified financial audit.

(e) Any insurance, excess insurance, or both purchased by each risk management cooperative established under this section shall only be procured from sources meeting the requirements of the Department of Insurance of the State of Alabama or federal Risk Retention Amendments of 1986, or both. Copies of insurance contracts, if any, purchased by each risk management cooperative shall be filed annually with the Commissioner of Insurance.

(f) Each risk management cooperative established under this section shall specifically be exempt from the payment of any insurance pre-

mium tax levied by the Department of Insurance on premiums or charges collected.

(g) This section is not intended and shall not be construed to subject any board of education to liability for tort claims where liability therefor does not already exist by law.

(h) No risk management cooperative nor the trustees, employees, or agents thereof, shall be subject to suit by any third party on account of a claim against a member of a board of education. It shall incur no liability to any party other than that authorized and contracted for under this section. Notwithstanding the foregoing, this section shall not prohibit an action for fraud brought directly against a risk management cooperative or its agents.

(i) No risk management cooperative established under this section shall provide coverage or benefits as authorized under the Public Education Employees' Health Insurance Plan or the State Insurance Fund.

§ 16-8A-4. Suspension of Teachers.

Other provisions of this act notwithstanding, the superintendent shall have the right to suspend any employee, whether tenured or non-tenured, without pay for a period not to exceed ten working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The board's decision shall be final, subject to such judicial review as may otherwise be provided by law. Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law.

§ 16-8A-5. Full-time employment of teachers.

Nothing shall be construed as preventing a local board of education from contracting with teachers and other employees for a longer period of time than that actually devoted to teaching or the conduct of the schools

while actually in session. No teacher or employee shall be entitled to receive any payment from public funds unless his or her time has been employed as required by the contract of employment and unless all current records for which the teacher or employee is responsible shall have been kept with care and accuracy, and no teacher or employee of the board may receive any payment from public funds unless all records and reports required by the State Superintendent of Education or local board of education shall have been properly made and submitted.

§ 16-8A-6. Vacations and leaves of absence.

Each local board of education may, under rules and regulations as may be promulgated from time to time by the State Board of Education, provide for leaves of absence and vacations by the employees of the boards and for the payment from public funds to the employees of the boards for leaves of absence and vacations. The boards may provide leaves of absence during the times the schools are not in session for teachers and employees on full pay when the teacher or employee devotes the leave of absence to instructing in or attending schools for teacher training or in a manner approved by the State Board of Education as beneficial to the educational work of the district; and may provide for the payment of any full-time teachers for absences during the time schools are in session where the absence results from sickness or some other unavoidable cause which prevents the teacher from discharging his or her duties. Pay for absences resulting from unavoidable causes other than sickness may be allowed for a longer time than one week during any one year. The allowance of any such pay shall at all times be in the discretion of the local board of education.

§ 16-8A-7. Personal leave for teachers during time schools are in session; reimbursement for unused personal leave.

Any local board of education may grant to any teacher within its school system personal leave of up to five days annually noncumulative, during the time schools are in session. The board shall enact policies providing for uniform administration of personal leave, and shall determine whether the leave is to be with part pay, full pay, or without pay, except that any approved leave for which the State Education Budget includes funding shall be with pay. It is further provided that personal leave shall be reimbursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by a teacher. No teacher, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting such leave.

§ 16-8A-8. Personal leave for support personnel.

(a) When used in this section, the following terms shall have the following meanings:

(1) **LOCAL BOARD.** The governing board of all public county school systems and all public city school systems.

(2) **SUPPORT PERSONNEL OR EMPLOYEE.** Maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other noncertificated employee who works an average of 20 hours weekly and who is not otherwise covered by the State Merit System or Teacher Tenure Law.

(b) Each local board shall grant two days of personal leave with pay to its support personnel during the time schools are in session. Additional days may be granted by the local board. No employee, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting the leave. The board shall enact policies providing for uniform administration of personal leave.

Section 17. Minimum and average salary schedules for teachers.

(a) Teachers in the public schools shall be paid no less than the minimum amounts set forth in a salary schedule to be determined by the State Board of Education, taking into consideration factors such as length of contract years and employee benefits provided. In no event may any teacher's salary be reduced from its current level as a result of this section.

(b) The average teacher salary for teachers in the public schools of the state shall be increased to equal or exceed the average public school teacher salary in the southeastern states, as determined by the State Board of Education, by school year 1995-1996, and for each year thereafter.

(c) The State Board of Education shall conduct a compensation study to consider emerging approaches to compensation, such as skill-based compensation plans, and shall also examine the adequacy of and may recommend improvements to the requirements set forth in subsections (a) to (b), inclusive, without lowering the compensation standards set forth therein. The study shall also consider interdistrict inequities in compensation across the state.

Section 18. Chapter 22A is added to Title 16 of the Code of Alabama 1975, to read as follows:

**CHAPTER 22A.
PRINCIPALS.**

§ 16-22A-1. Principals hired after effective date of this act.

Principals hired on or after the effective date of this act to work for the first time in such capacity in a public school in Alabama shall:

(1) Not be eligible to attain tenure pursuant to Chapter 24B.

(2) Be hired pursuant to a contract for an initial term of not less than three years, and subsequent terms of not less than three nor more than five school years, which contract shall set forth the terms of employment, including grounds and procedures for dismissal.

(3) Receive a salary not less than the average salary for principals in the southeastern states, as determined by the State Board of Education, taking into account, among other relevant factors, the employee's educational achievement and experience and the size and location of the school in which the principal will serve.

Section 19. Sections 16-23-16.1 and 16-23-16.2 are added to the Code of Alabama 1975, to read as follows:

§ 16-23-16.1. Teacher mentoring.

(a) The State Board of Education shall develop a teacher mentoring program to provide first-year teachers in the state with the assistance and support of experienced teachers, including assistance in the design of professional development programs for the first-year teachers. Mentors shall be allocated by the State Superintendent of Education at a ratio of one full-time equivalent mentor to 15 first-year teachers. The State Board of Education shall involve accredited teacher education programs and in-service centers in the design and support of the mentoring program.

(b) Funds for implementing the mentoring program shall be provided by the State Department of Education from appropriations for that purpose upon application by a local board of education, which application shall set forth the number of first-year teachers eligible for the mentoring program and state the proposed design of the mentoring program to be employed.

(c) Schools or school systems that employ mentoring programs on the effective date of this act shall be permitted, with the review and approval of the State Board of Education, to request state funds to support the

program already being utilized rather than participate in the mentoring program established under this section.

(d) The State Department of Education shall ensure that at least one-half of first-time teachers are provided support under the mentoring program in school year 1994-95, with all first-year teachers to be assigned to mentors by school year 1995-96.

§ 16-23-16.2. Principal mentoring.

(a) The State Board of Education shall develop a principal leadership and mentoring program to provide first-year principals in the state with assistance, support, and professional development.

(b) Each first-year principal shall have access to an experienced principal judged to be successful in that role. Each mentoring principal shall meet with each first-year principal no less than twice per month for consultation and advice. Additionally, the mentoring principal shall be available by telephone for consultation from a first-year principal.

(c) The State Department of Education shall select potential mentoring principals upon recommendations received from local school superintendents. Principals who are selected and trained, and who serve as mentors, shall receive additional compensation equal to one month's salary.

(d) First-year principals shall attend training conducted by the State Department of Education as a necessary condition for being assigned a mentoring principal.

(e) Funds for implementing the mentoring program for principals shall be provided by the State Department of Education from appropriations for that purpose upon application by a local board of education, which application shall state the number of first-year principals eligible for the mentoring program.

Section 20. (a) The State Budget Officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Youth Services Department District, the Alabama School of Math and Science, and the Alabama School of Fine Arts for the disbursement to the employees thereof funds based on the following criteria:

(1) The average teacher salary for public school teachers in the State of Alabama, grades K-12, shall be raised to equal the average southeastern states teacher salary within five years of the implementation of this

act. The State Board of Education shall be responsible for monitoring the progress of this section and shall make appropriate budget requests to the Legislature to ensure compliance with this subsection.

(2) The average salary for teachers in the Alabama Institute for Deaf and Blind shall be raised to equal the average southeastern states teacher salary within five years of the implementation of this act. The Board of Trustees of the Alabama Institute of Deaf and Blind shall be responsible for monitoring the progress of this subsection and shall make appropriate budget requests to the Legislature to ensure compliance with this subsection.

(b) The Legislative Fiscal Office shall examine average teacher salaries for all southeastern states and, after adjusting for the varying length of school terms and scholastic days in the several states, shall determine the figure to be used in subsection (a).

(c) It is the intent of the Legislature that this section does not make appropriations.

Section 21. (a) When used in this section, the following words shall have the following meanings:

(1) **EMPLOYEE.** Any person currently or formerly employed by a board of education.

(2) **EXECUTIVE OFFICER.** Any county or city superintendent of education; the President of The Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science.

(3) **PERSONNEL RECORD.** All records, information, data, or materials pertaining to an employee kept by the educational authority in any form or retrieval system whatsoever.

(4) **SCHOOL BOARD or BOARD OF EDUCATION.** Any city or county board of education; the Board of Trustees of the Alabama Institute for Deaf and Blind; the Alabama Youth Services Board in its capacity as the Board of Education for the Youth Services Department District; the Board of Directors of the Alabama High School of Mathematics and Science; and, as applied to two-year postsecondary education institutions, the State Board of Education.

(b) Each board of education shall establish and maintain an official personnel record on each employee that shall be the only official personnel record for the employee. The executive officer of each board of education shall supervise the maintenance of official personnel records and maintain updated, complete, and accurate records. Records of former employees shall also be maintained in accordance with this act except that a board of education is not required by this act to create additional records or reports on any former employees of the school board after the effective date of this act.

(c) Principals or other supervisors employed by a board of education who have direct responsibilities for the supervision of employees may temporarily maintain unofficial records on employees that directly relate to the conduct of supervisory responsibilities until the appropriate time that the pertinent documents in the unofficial records can be made a part of the official records, preferably before the beginning of the next term. In all instances, the employee shall have access to temporary records in the same manner as provided in this act for official personnel records.

(d) An employee's personnel record shall be maintained according to the following provisions:

(1) All information in the employee's record shall be confidential, except salary information. An employee's official personnel record shall not be transmitted to any other persons or agencies without the knowledge of the employee. Any documents which may be lawfully contained in the personnel record of the employee shall be made available to a lawfully authorized hearing officer or panel conducting an investigation into the competency or performance of the employee.

(2) All aspects of the official personnel record of each employee shall be open to inspection at all times by the appropriate local executive officer, principal, assistant principal, immediate supervisor, or their authorized designees. No one shall have access to an employee's record except in the exercise of official duties.

(3) Any materials pertaining directly to work performance may be placed in the record of the employee.

(4) The employee, or any person designated in writing by the employee, shall have the right upon request to review the contents of his or her personnel records wherever maintained, and to receive copies of any documents contained in the record. No document shall be withheld from the employee or his or her representative, except confidential letters of recom-

mendation. The employee shall be entitled to have a representative of the employee's choice accompany the employee during the review.

(5) Any anonymous complaint or material deemed worthy of an investigation by the appropriate school or college official may be investigated; however, the result of the investigation shall be reduced to writing, signed, and dated, attached to the material in question, and placed in the employee's personnel record. Any anonymous complaint that is not investigated within 30 days of its receipt shall not be retained, but shall be destroyed.

(6) Statements, reports, and comments relating to work performance, discipline, suspension, or dismissal shall be reduced to writing and signed by a person reasonably competent to know the facts or make a judgment as to the accuracy of the subject information. Additional information related to the written materials previously placed in the personnel record may be attached to the materials to clarify or amplify them as needed. A copy of all materials to be placed in an employee's record which may tend to diminish the employee's status or reflect adversely on the employee's performance shall be provided to the employee.

(7) The employee shall have the right to answer or object in writing to any materials in the employee's personnel record and the answer or objection shall be attached to the filed copy to which the objection was made.

(8) The employee may appeal to the executive officer and then to the proper governing board of education regarding any derogatory materials which are placed in the employee's personnel record. The appeal shall provide for appropriate administrative due process, including choice of representation by the employee and removal of any materials which are unfair or inaccurate.

(e) The transfer of an employee's personnel record or any parts, summation, or copies of the employee's personnel record shall be made upon written request of the employee. The employer may transfer an employee's personnel record to another employer or prospective employer.

(f) Written policies established by a board of education pertaining to personnel records which are not inconsistent with this act may remain in effect.

(g) This section shall become effective August 1, 1994, and shall apply to records maintained after the commencement of the 1994-95 scholastic year.

Section 22. The State Board of Education shall adopt a policy for implementation by each county and city board of education which shall require the posting of vacancy notices for certain personnel positions, including newly created personnel positions. The policy shall be in effect in each school system by the beginning of the 1995-96 scholastic year.

Section 23. (a) When used in this section, the following terms shall have the following meanings:

(1) ASSOCIATION. The local education association affiliate whose parent professional organization represents the majority of education employees in the state.

(2) BOARD. All public county and city boards of education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Alabama Youth Services Department District Board in its capacity as the Board of Education for the Youth Services Department District, the Board of Directors of the Alabama School of Fine Arts, the Board of Trustees of the Alabama School of Science and Mathematics.

(3) EMPLOYEES. Employees or personnel of the board, except those employees covered under the State Merit System and except those employees at the Alabama Industries for the Blind.

(4) LAYOFF. An unavoidable reduction in the work force beyond normal attrition due to decreased student enrollment or shortage of revenue.

(b) Each board shall adopt a written reduction-in-force policy for its employees within six months after the effective date of this act. The policy shall include, but not be limited to, layoffs, recalls, and notifications of layoffs and recalls. The reduction-in-force policy of the board shall be based on objective criteria. Notice of layoffs and recalls shall also be given to the association by the chief administrative officer of the board.

Section 24. In recognition of the increasing work load of the State Board of Education and the importance of the work to our children and our state, each elected member of the State Board of Education shall be entitled to an office and one staff person in the district they represent. Each board member shall have sole responsibility in hiring the staff person, who will serve at the pleasure of the respective board member. The State Board of Education, as a body, has the authority to employ one attorney, independent of the State Department of Education legal counsel. Staff persons shall not be covered by the State Merit System, the State Retirement Systems, or the Fair Dismissal Act. The State Board of Education shall publicly adopt guidelines to regulate the pay scale and the number of hours of work of staff

members, office rental expenses, and lease or purchase of office furniture and equipment. Any purchased furniture or equipment shall be the property of the State of Alabama. The expenses herein provided shall be paid out of the Alabama Special Educational Trust Fund in the same manner as other expenses of the State Board of Education are paid.

Section 25. (a) The State Board of Education and each local school board shall adopt policies to assure that parents as the ultimate authority and advocate for their children have the following rights:

(1) To have access to full and complete information about the curriculum, including goals and objectives, requirements for academic advancement and high school graduation, instructional materials, and assessment instruments and techniques.

(2) Each local board of education shall develop a process for the review by parents of all state adopted textbooks, all local school board adopted textbooks, supplemental textbooks, and any and all other instructional materials of any sort used in instruction of students.

(3) School textbooks and supplementary curricular materials shall be deposited with a public library located within the school district in a non-circulating reference section of the library in order to effectuate the requirements of subdivision (2). Each local board of education shall deposit one copy of each textbook and supplementary curricular material used within the school district at the designated public library for each 30,000, or fraction thereof, students enrolled in the school district up to a maximum of three copies. The library shall publish a list of the textbooks and materials and make the list available to the public.

(4) No school system shall adopt or condone a policy which interferes with or attempts to interfere with open communication between a student and the parent or guardian of the student. Each local board of education shall adopt policies for the prompt investigation of any alleged violations of this subdivision by any employee, visiting resource person, or any other person who may have school-related contact with students and for the appropriate disciplinary action against violators of this right in order to ensure future compliance.

(5) To have a child excused from any state and local assessments which are not tests of academic ability or achievement in commonly accepted branches of learning by the parent or guardian providing the school district with a written request. Neither the State Board of Education nor any local board of education shall adopt any standard or rule that requires any testing of student values, attitudes, beliefs, opinions, or orientations as

7th Day

basis for promotion, grading, graduation, or participation in any activity. For purposes of this subdivision, "test" means any testing instrument whether purchased, teacher made, or from any other source, psychological inventory, survey, or psychodrama role playing techniques.

(6) To have a child excused from specific instruction, or the specific reading of any or all parts of any required or supplemental textbook or other assigned materials which conflicts with his or her religious beliefs, by the parent or guardian providing the school district with a written request. School districts which practice the policy called "infusion," or by whatever name it may be called now and in the future, whereby they integrate psychological or explicit sexual materials with academic work shall be required to permit parents to excuse their children from those parts of "infused" instruction which violate their religious beliefs and no child exempted shall be penalized by reason of the exemption. Exempted students shall be provided a parent approved alternative learning experience.

(7) To exclude their children from "all or part" of sex education or health education is particularly important to parents because the entire course may be objectionable to some but only a small part may be objectionable to others. Therefore, the State Board of Education and local boards of education shall protect the following rights of parents or students who are 18 years old or older as they pertain to the following:

a. Parents or guardians and students 18 or older shall be notified in writing, prior to the student's attendance in a health education course, of topics to be taught. Parents or guardians may inspect all health program materials at the public library depository pursuant to subdivision (3). Parents or guardians may request a conference with the instructor or building principal, or both, for assistance in determining whether to request an exemption for the student from all or part of the planned instruction. A parent or guardian may exclude a child from all or part of health instruction by submitting an approved exemption form. Exemption forms shall be provided by the local school principal. Exempted students shall be provided an alternative learning experience in health education using nonobjectionable materials acceptable to the parent.

b. Parents or guardians and students 18 or older shall be notified in writing, prior to the student's attendance in a sex education course, of topics to be taught. Parents or guardians may inspect all sex education materials at the designated public library depository pursuant to subdivision (3). In addition to established policies and regulations governing the approval of textual and supplemental materials, all audio-visual and other supplementary classroom instructional materials related to human sexuality shall be subject to review by parent or guardian and the principal and teacher by

mutual appointment prior to the student commencing the course or at any point during the course. A parent or guardian may exclude his or her child from all or part of sex education instruction by submitting an approved exemption form. Exemption forms shall be provided by the local school principal. Exempted students shall be provided an alternative learning experience in health education using nonobjectionable materials acceptable to the parent or guardian.

Exemption requests may be based upon the religious beliefs of the parent or guardian or upon the rights of parents to direct the education of their children.

(b) No student shall be required to submit, without prior consent, to psychiatric or psychological examination, testing or treatment, which would reveal the following information:

(1) Political affiliations.

(2) Mental and psychological problems potentially embarrassing to the student or his or her family.

(3) Sex behavior and attitudes.

(4) Illegal, antisocial, self-incriminating, and demeaning behavior.

(5) Critical appraisals of other individuals with whom respondents have close family relationships.

(6) Legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers.

(7) Income other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under the program.

(c) Prior consent to any psychiatric or psychological examination, testing, or treatment means the prior written consent of the student's parent or guardian or, if the student is an emancipated minor or has attained 18 years of age, of the student.

As used herein, the terms "psychiatric or psychological examination, or test" mean a method of obtaining information, including a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs, or feelings. The term "psychiatric or psychological treatment" means any

activity involving the planned, systematic use of methods or techniques that are not directly related to academic instruction and that are designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(d) All students enrolled or previously enrolled in a public school have the following rights in relation to their educational records:

(1) No information from records, files, or other data directly related to a student, other than public information defined below, shall be disclosed to individuals or agencies outside the local school without the written consent of the student or the parent or guardian of a student under 18 who is not emancipated, except disclosures required pursuant to a valid court order.

(2) Student educational records are defined as those records, files, documents, and other material which contain information directly related to students and which are maintained by the local school or district or a party acting for the local school or district. Records which are made or maintained by physicians, psychiatrists, psychologists, or other professionals or paraprofessionals and which are maintained in connection with treatment and are not available to anyone else are also excluded from a student's educational record, but the records are available to another physician or appropriate professional of the student's choice if a release of records is requested by the student or the parent or guardian of the student.

(3) The following public information may be made available by the school without prior consent of the student and which is considered part of the public record of the student's attendance: Name, address (local and permanent), participation in officially recognized activities and sports, dates of attendance, and awards received. The information shall not be made available if a student directs a written instruction to the appropriate records official.

(4) Each school shall maintain a file of each student enrolled. Each school principal is designated the "records official" and is responsible for a listing of student records indicating the location and general content of the records. Any student, emancipated student, parent, or guardian request concerning records or files, including requests that public information not be disclosed, requests for disclosure to third parties, and requests for access by the student, emancipated student, parent, or guardian, shall be directed to the records official. Forms for all requests may be obtained from the records official. The records officials shall also act as hearing officers when the content of a record is challenged as provided below.

(5) Only students 18 years old, legally emancipated minors, married students, or the parent or guardian with legal right of custody of any student under age 18, who is not legally emancipated or not married shall be accorded the right to inspect, in the presence of a school staff member, records, files, and data primarily and directly related to the student. Non-custodial parents shall have this right unless prohibited by order of a court of competent jurisdiction. To inspect a file, a student, parent, or guardian shall go to the office of the appropriate records official and initiate a request in writing. If a student, parent, or guardian desires to obtain copies of the items in the educational record rather than personally reviewing the record, the written request to the records official for copies shall be signed and notarized to prevent disclosure to persons other than the student, parent, or guardian. A time for inspection shall be granted within 45 days after the date of the request, and copies shall be mailed within the same time period. Copies shall be made and provided to the student at a cost to the student not in excess of actual cost of reproduction and payable in advance.

(6) The local school records official shall respond to any reasonable request for an explanation or interpretation of any item in a student's file. Requests for an explanation or interpretation shall be addressed in writing to the appropriate records official.

If, after inspecting a record, a student, parent, or guardian believes that information contained in the educational record is inaccurate or misleading or violates his or her privacy, the student, parent, or guardian may request that the record be amended by presenting a request in writing to the appropriate records official. A request that the record be amended shall be answered by the records official within 15 days after its receipt with information that the record has been amended as requested or that the record has not been amended and that the student, parent, or guardian has a right to a hearing on the matter.

The request for hearing shall identify the item or items in the file to be challenged and state the grounds for the challenge, including, but not limited to, inaccuracy, misleading nature, and inappropriateness. The records official shall examine the contested item, shall hear the person responsible for placing the item in the file if appropriate, and shall examine any documents or hear any testimony the student, parent, or guardian presents. A student, parent, or guardian may be assisted or represented by individuals of his or her choice, including an attorney, at his or her own expense. The records official may decide if the item shall be retained, deleted, or altered. The records official shall issue a written decision, based solely on the evidence presented at the hearing, within 10 days of the conclusion of the hearing. If the decision is adverse to the student, parent, or guardian, the notice of decision shall include a statement that the student, parent, or guard-

ian has the right to place a statement in the record commenting on the information and setting forth reasons for disagreeing with the decision.

(7) The general policy of all public schools shall be to refuse access to or disclosure of information from student records to third parties without the written consent of the student, parent, or guardian. Should a student, parent, or guardian wish to have records released, a signed and dated written request shall be directed to the proper records official, specifying the records to be released, the reason for release, the party or class of parties to whom records are to be released, and a request for copies to the student, parent, or guardian, if desired. The local public school shall then transfer or grant access to the information. The transferred information shall contain a statement that the information may be used by the receiving party or, if an organization, by its officers, agents, and employees for the purpose requested, but that the party shall not transfer the information in any other part except with the written consent of the student.

The records official shall keep a record, indicating the name and legitimate interest of all disclosures except those made to a student, parent, or guardian, those made pursuant to written consent, and those designated as public information. This record of disclosure shall become a part of the educational record, subject to inspection and review.

(8) The student records policy shall be displayed prominently on a bulletin board in each school and shall be available to parents upon request.

(9) Any student, parent, or guardian who believes that the school records official has violated his or her right to access or privacy of educational records as established by the Family Education Rights and Privacy Act of 1974, as amended, and the accompanying regulations may file a complaint with the United States Department of Education or the State Board of Education.

Section 26. The State Board of Education shall develop within 90 days after the effective date of this act, a specific plan for the reduction of the number of employees of the State Department of Education by 20 percent within three years.

Section 27. The State Superintendent of Education shall develop and present to the State Board of Education for implementation by the county and city boards of education a plan to reduce the paper work required to be completed by classroom teachers by 25 percent. This plan shall be implemented by the beginning of the 1995-96 scholastic year.

Section 28. Section 25 of Act 91-323, 1991 Regular Session (Acts 1991, p. 602), is amended to read as follows:

“Any and all mandates contained in ~~the provisions of this act, as amended,~~ shall be mandated only to the extent that funds are appropriated or otherwise made available for the purposes of implementing such mandate after passage and signature by the Governor of this amendatory act.”

Section 29. The definitions hereinabove set forth shall be deemed applicable whether the words defined are used in the singular or plural. Any pronoun used herein shall be deemed to include both the singular and the plural and to cover all genders.

Section 30. Notwithstanding any provision of this act to the contrary, the requirements of this act shall be implemented and administered in strict compliance with Amendment 284 of the Constitution of Alabama of 1901.

Section 31. This act shall not discriminate on the basis of race, sex, religion, or national origin.

Section 32. Chapter 10A is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 10A. SCHOOL-BASED DECISION MAKING

§ 16-10A-1. Legislative intent.

The Legislature finds and determines that:

(1) The implementation of a system of school-based decision making will strengthen local control over schools and will link accountability with authority.

(2) The system should provide for the development of various models in order to meet the local needs and wishes of schools and school systems.

§ 16-10A-2. Establishment of program.

(a) Not later than March 1, 1995, the State Board of Education shall adopt regulations creating a program for school-based decision making in the public schools. The regulations shall establish at least five models for implementation of school-based decision making. Each model shall have a school council organized as provided in Sections 16-10A-3 and 16-10A-4. The models shall differ in the extent of powers and responsibilities conferred upon the school council. One model of school-based decision

making shall provide for a school council with all powers and responsibilities available to a school council under Section 16-10A-5. The other models shall have such lesser powers and responsibilities as shall be prescribed by the regulations adopted by the State Board of Education. Three of the models shall be established upon the recommendation of the Alabama Association of School Administrators. The regulations shall also allow schools and school systems to develop additional models consistent with the intent of this chapter and the powers permitted by Section 16-10A-5. The program for school-based decision making shall be available for implementation beginning in the 1995-1996 school year.

(b) During a pilot period beginning with the 1995-1996 school year and ending at the close of the 2000-2001 school year, the program of school-based decision making shall be implemented (1) on a voluntary basis by local school boards pursuant to the pilot program conducted by the State Board of Education, as described in subsection (c), or (2) upon the election to implement the program at a school pursuant to subsection (d). The State Board of Education shall provide appropriate training for teachers and the school community before the program is implemented at a school.

(c) During the pilot period the State Board of Education shall conduct a volunteer implementation program in which at least 24 local school systems shall implement school-based decision making in at least one school within the system. The State Board of Education shall make every effort to ensure that the pilot schools are representative of the state's public school system. The pilot schools shall choose one of the models for implementation, provided that the State Board of Education shall make every effort to encourage the implementation of each model in at least four schools. Prior to the end of the 1996-1997 school year, and at two-year intervals thereafter during the pilot period, the State Board of Education shall conduct a study of the implementation of school-based decision making in the pilot schools, including the effect on student achievement and the experience gained from implementation of the various models, and shall provide a report on the study to each school system.

(d) During the pilot period any school may participate in school-based decision making after appropriate training if not less than 60 percent of the voting certificated school staff elect to implement the program at the school where the staff is located. The election procedure shall specify the proposed model to be implemented. All voting for school-based decision making shall be by secret ballot, and no school or school system shall subject the certificated staff to direct or indirect coercion to vote for or against school-based decision making. The regulations of the State Board of Education establishing the system of school-based decision making shall prescribe the procedures for voting contemplated by this section.

(e) Beginning in school year 2001-2002 (after the pilot period), each public school shall implement and maintain school-based decision making unless the local school board and a majority of the certificated staff at the school concur that school-based decision making is not necessary or desirable for the school.

(f) Each school implementing school-based decision making after school year 2000-2001, shall implement the model selected by a vote of a majority of the certificated staff at the school. The model may be changed by a majority vote of the certificated staff, but no such vote may be taken before the school has operated under the existing model for at least one year.

§ 16-10A-3. School councils.

(a) Each school at which school-based decision making is implemented shall be governed by a school council organized as provided in this section and Section 16-10A-4.

(b) A school council shall be composed of not less than six nor more than 12 members, as determined by the local board of education, with the principal serving in an advisory capacity, and shall include an equal number of (1) school instructional staff and (2) parents with children enrolled at the school; provided, however, that a. no person may be elected to the school council for more than two consecutive terms and b. if no member of the school council has experience in special education, the principal shall, with the consent of the school council, appoint an additional member to the council with the consent of the school council, appoint an additional member to the council with experience in special education. Upon the request of any school council the local school board shall decrease or increase the number of members of a school council within the limits imposed by this section; provided, however, that

(1) An additional member with experience in special education must, if necessary, be appointed as provided above, and

(2) The school council shall be composed of an equal number of members, excluding any member with experience in special education that is specially appointed as provided above.

If the number of school council members is decreased, the effective date of the decrease may not have the effect of depriving any existing council member of the remaining portion of his or her term.

(c) Members of the school council and any person specially ap-

pointed for his or her experience in special education matters shall have staggered terms as follows. After the first election of school council members, the local superintendent shall divide the parent council members into two groups. The first group shall have a term ending on April 1 of the next school year following the election. The second group shall have a term ending on April 1 of the second school year following the election. The process shall be repeated for instructional staff members. All council members elected thereafter shall have a two-year term.

(d) Any member of the school council specially appointed for experience in special education matters shall have a term ending on April 1 of the next school year following the appointment.

(e) Parents on the school council shall be elected at a meeting of school parents called by the local school board upon not less than 30 days' notice to parents of all students at the school. The local school board shall request a list of nominees from the parent-teacher organization at the school or, if no such organization exists at the school, such other parent organization as shall be selected or developed by the local school board. The notice of the election shall include the list of nominees. The number of nominees shall be at least twice the number of parents to be elected. It shall not be necessary, however, for a parent to be nominated in order for that parent to be elected. The election shall be by secret ballot. Each parent attending the election meeting may cast votes equal to or less than the number of parents to be elected; provided, however, that no person may vote for the same parent more than one time. The parents receiving the greatest number of votes shall be elected.

(f) Instructional staff on the school council shall be elected at a meeting of instructional staff called by the local board of education upon not less than 30 days' notice to the instructional staff. The election shall be by secret ballot. Each member of the instructional staff attending the election meeting may cast votes equal to or less than the number of instructional staff to be elected; provided, however, that no person may vote for the same staff member more than one time. The staff members receiving the greatest number of votes shall be elected.

(g) A parent shall no longer be eligible to serve on the school council if he or she ceases to have a child enrolled at the school. An instructional staff member shall no longer be eligible to serve on the school council when he or she is no longer employed at the school. If a council member is no longer eligible, or resigns, or if a vacancy occurs for any other reason, a successor shall be elected for the remaining portion of the unexpired term at a special election held according to the provisions of subsections (f) or (g), as appropriate, within 45 days of the council's notice of such vacancy.

(h) All members elected to the school council shall successfully complete training for school-based decision making in a program approved by the State Department of Education prior to beginning service.

§ 16-10A-4. Organization, meeting, etc.

(a) The school council shall have regular meetings at least once each month according to a schedule adopted by the council and filed with the local board of education. A special meeting of the council may be called by the chairman, or by any two members of the school council with the consent of the chairman, upon two days' notice to all council members. A copy of the notice of any special meeting shall be filed with the local board of education at least one day prior to such meeting.

(b) The local superintendent of education and the school principal may attend any meeting of the school council and may participate in the discussions held at the meeting, but the local superintendent and the school principal may not vote on matters considered by the council.

(c) The chairman, elected from among the council members, shall preside at meetings of the council. A co-chairman shall be elected from among the membership to preside over meetings when the chairman is absent. A principal may send a representative to any meeting of the school council that the principal does not attend, but the representative may not vote on matters considered by the council.

(d) A majority of the members of the school council shall constitute a quorum for the purpose of conducting business. No motion or resolution shall be declared adopted without the concurrence of the majority of the council.

(e) Members of the school council shall not be paid for serving on the school council. With the prior approval of the school council and local school board, members of the school council may be reimbursed for expenses incurred in the performance of their duties. All expenses incurred by the school council shall be expended from the budget for school-based expenditures.

(f) Meetings of the school council shall be subject to the open meeting requirements of Section 13A-14-2.

(g) Accurate minutes must be kept by the chair and approved by the council.

§ 16-10A-5. Powers and responsibilities of school councils and principals.

(a) Powers and responsibilities of school councils and principals. A school council organized pursuant to this chapter, and each principal at the school, may have some or all of the following powers and responsibilities, provided that at least one model of school-based decision making shall include a school council with all of these powers and responsibilities:

(1) School-based expenditures. The school council may be responsible for budgeting and approving all school-based expenditures and expenditure procedures. Not later than August 1 of each year each school council shall submit a proposed budget for its school-based expenditures for the following fiscal year to the local board of education. The budget for school-based expenditures shall not exceed the amount allocated to the school council for such purpose by the local school board pursuant to Section 16-10A-6(a)(2). School-based expenditures shall include a. the aggregate salary and benefits for school-based personnel (provided that the school council may not approve or budget the compensation for any individual member of the school-based personnel), b. the cost of curriculum and instructional materials, and any related activities, such as field trips, and c. the cost of professional development of school-based personnel.

(2) Selection of principal. The school council may participate in the selection of the principal for the school in accordance with the following procedures:

a. Whenever it is necessary to hire a principal, the local superintendent shall submit a list of qualified persons to the school council. If so requested by the school council, the local superintendent shall submit additional lists of qualified persons until the school council is able to make a recommendation.

b. The school council shall select a principal from the list of qualified persons to be recommended to the local superintendent. The school council may not specify the compensation or term of contract for the principal as part of its recommendation. The name of the person recommended shall be forwarded by the school council to the local superintendent, who shall, if he or she concurs in the recommendation, forward the recommendation to the local school board.

c. Upon the recommendation of the school council and the local superintendent of the local school board shall, if it concurs in the recommendation, hire the principal selected and shall enter into a contract of employment with such person that will incorporate the terms recommended by the local superintendent. If the local school board does not concur with the superintendent or the recommendation of the principal to be hired or the terms of employment, the local school board shall require the superinten-

dent and school council to submit one or more recommendations using the procedure above until the board is able to concur with the recommendation. After three recommendations have been submitted by the school council and rejected by the local board of education, the superintendent may unilaterally make the recommendation to the school board for its approval.

d. The decision for renewal of a principal's contract shall be made by recommendation of the superintendent to the local school board. The superintendent may seek input from the school council.

e. The local superintendent shall have the responsibility for evaluating the principal in accordance with educator performance standards adopted pursuant to Section 16-23-16.2 and for reporting the evaluation to the local school board. The local superintendent shall solicit input from the school council in the course of the evaluation.

f. With the recommendation of the local superintendent, a principal may be disciplined and may be dismissed by the local school board prior to the end of his or her term for any reason consistent with the terms of the principal's employment contract and, where applicable, the requirements of Chapter 24B. The local superintendent may solicit input from the school council prior to any such recommendation, provided that rights of the principal relating to privacy, due process and disclosure must be preserved.

g. Nothing contained in this section shall be construed to grant tenure to a principal hired pursuant to this section; provided, however, that principals hired prior to the effective date of this act shall retain their tenure to the extent provided by Chapters 22A and 24B.

(3) Selection of other school-based personnel. The school council may participate in the selection of other school-based personnel in accordance with the following procedure:

a. Whenever it is necessary to hire school-based personnel other than the principal, the local superintendent shall submit a list of qualified persons to the principal. If so requested by the principal, the local superintendent shall submit additional lists of qualified persons until the principal is able to make a recommendation.

b. The principal shall, with the approval of the school council, select a person to be recommended to the local superintendent. The school council shall approve the person to be recommended, but shall not approve the compensation or other contract terms of employment. The person selected for recommendation may be a person who is not on the list of qualified persons submitted by the local superintendent but who meets appli-

cable state certification requirements. The name of the person recommended shall be forwarded by the principal to the local superintendent, who shall, if the superintendent concurs in the recommendation, in the case of individuals outside the list, forward the recommendations to the local school board.

c. Upon the recommendation of the principal and the local superintendent the local school board shall, if it concurs in the recommendation, hire the person recommended and shall enter into a contract of employment with such terms as shall be approved by the local superintendent and the principal.

d. The principal or his or her designee shall have the responsibility for evaluating all other school-based personnel according to educator performance standards adopted pursuant to Section 16-23-16.2 and reporting the evaluation to the local superintendent and school board. The principal may solicit input from the school council in the course of the evaluation.

e. With the recommendation of the principal and the local superintendent, any school-based personnel may be disciplined and may be dismissed by the local school board in accordance with the terms of such person's employment contract and, where applicable, the requirements of Chapter 24B relating to tenure. The principal may solicit input from the school council prior to any such recommendation, provided that the rights of the person relating to privacy, due process, and disclosure must be preserved. If the local school board disagrees with the principal on any proposed disciplinary action or dismissal, the local school board may, with the recommendation of the superintendent, but without approval or concurrence by the principal, take or withhold such action as it deems appropriate in the circumstances.

f. Nothing contained in this section shall be construed to grant tenure to any person employed pursuant to this section except as required by Chapter 24B.

(4) Dismissal of other school-based personnel. If a local school board approves in advance the delegation of the power of dismissal to a principal in accordance with this subdivision, that principal may, without prior approval of the local superintendent or local school board, dismiss other school-based personnel, provided that a. any person dismissed by the principal pursuant to this subdivision may appeal to the local school board for reinstatement, and b. a person so dismissed who has tenure within the meaning of Chapter 24B shall be entitled to any hearing rights and other protection afforded by Chapter 24B.

(5) Establishment of curriculum and instructional policies and selec-

tion of instructional materials. The school council shall review and make recommendations on the curriculum and instructional policies for its school to the local school board. It shall also recommend instructional materials for the school to the local school board. Textbooks shall be selected from the list of approved textbooks supplied by the State Board of Education. The school council shall submit recommendations for curriculum, instructional policies, and textbooks to the local board of education for approval before implementation or use at the school. Decisions by the school council shall be consistent with school board policy where a council's decision affects more than its individual school.

(6) Use of non-instructional days. The school council shall determine the use of non-instructional days available for school-based instructional personnel, pursuant to Section 16-3-18.5.

(7) Scheduling. The school council shall determine the school's schedule, subject to the requirements of Section 16-3-18.5.

Section 33. Any rule, regulation, plan, program, or entity established pursuant to this act at the state level shall be subject to the Alabama Administrative Procedure Act.

Section 34. Notwithstanding any provision of this act or existing law, a system of reporting by institutions of higher learning in this state shall be implemented and administered as provided in this section.

(a) Each institution shall prepare a comprehensive report designed to recommend and implement methods of improving the readiness of public high school students for entry to colleges and universities. This report shall be known as College Readiness Report.

(b) The College Readiness Report shall include, but not be limited to, the following information:

(1) Information on students who advance to their sophomore year.

(2) An assessment of the skills of students entering a college or university.

(3) An assessment of state and local educators in secondary education in their implementation of the requirements of this act.

(4) Data on students who graduate within a concise time period, and their average grade point average, specified by their respective curriculum.

(5) The percentage of students requiring college level remedial courses.

(6) Recommendation for bringing high school and college faculty together in academic alliances to exchange ideas and teaching strategies.

(c) Each institution of higher education in Alabama shall prepare a College Readiness Report for each Alabama high school having two or more students enrolled in its institution.

(d) College Readiness Reports shall be prepared twice annually and delivered each January 1, and each July 1, to the respective high school, with a copy sent to the State Board of Education.

(e) Private colleges are encouraged to voluntarily come under the provisions of this act.

Section 35. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 36. All laws or parts of laws which conflict with this act are repealed. Sections 16-1-16.1, 16-3-18.1, 16-3-38, 16-6-5.1, 16-10-3, 16-10-4, 16-10-5, 16-10-6, 16-10-8, 16-10-10, 16-27-2, and 16-36-22, Code of Alabama 1975, are specifically repealed.

Section 37. This act shall become effective immediately upon passage and signature by the Governor, or upon its otherwise becoming a law.

RECESS

At 12 o'clock Noon, on motion of Senator Foshee, the Senate took a recess until 1:30 P.M.

Yeas 14 Nays 13

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Dixon, Foshee, Ghee, Hill, Lipscomb, Little, Mitchell, Parsons, Waggoner, and Wilson -14

Nays:

Senators:

Bailey, deGraffenried, Denton, Dial, Ellis, Figures, Horn, Langford, Mitchem, Owens, Sanders, Smith (B), and Windom -13

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the Mitchell substitute.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 9. COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

Also:

SJR 12. A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

Also:

SJR 20. NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

Also:

SJR 21. COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 23. COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

Also:

SJR 25. DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the Mitchell substitute.

Senator Figures offered the following substitute for the Mitchell substitute for the Bill, SB 75, as amended, to-wit:

FIGURES SUBSTITUTE FOR MITCHELL SUBSTITUTE FOR SB 75, AS AMENDED

A BILL TO BE ENTITLED AN ACT

To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental

fees in public schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of elementary and secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to require certified teachers to pass the National Teachers' Examination; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to create the Legislative Oversight Committee on Education Reform; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to provide for a procedure for the suspension of educational employees; to prescribe further duties of principals; to provide further for the regional inservice centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the State Superintendent of Education; to establish a technology trust fund; to provide for a system of reporting by institutions of higher learning to be known as the College Readiness Report; to provide that this act shall be implemented and administered in strict compliance with Amendment No. 284 to the Constitution of Alabama of 1901 and shall be subject to the Alabama Administrative Procedure Act; to provide for local boards of education responsibilities concerning the number of teacher units; to specify what constitutes a financial interest for a municipal governing body official; to provide that any and all mandates in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriation of a local school board or boards for the purposes of implementing the mandates; to adopt certain commentary; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1,

16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as "Alabama First: A Plan for Academic Excellence Act of 1994."

Section 2. Sections 16-1-1 and 16-1-14, Code of Alabama 1975, are amended to read as follows:

"§ 16-1-1.

"For purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"(1) "AT-RISK" STUDENT. A student eligible for free or reduced price school meals or otherwise at risk of not attaining the desired student performance objectives.

"(2) ACSPA. The Alabama Commission on School Performance and Accountability, established pursuant to Chapter 3B of this title.

"(3) APSB. The Alabama Professional Standards Board, established pursuant to Section 16-23-16.2.

"(4) COURSES OF STUDY. A document or documents specifically defining in detail and in measurable terms what students need to know and be able to do in a particular subject area or at particular grade levels, but not how a subject is to be taught.

"(5) CURRICULUM. A delivery system for instruction that includes content, approach, and sequence. The minimum content of the delivery system must include the courses of study prescribed by the State Board of Education.

"(5)(6) FISCAL YEAR. From October first to September thirtieth, inclusive.

"(7) LOW-INCOME. Family income at or below which a student qualifies for free or reduced-price school meals.

"(8) OSA. The Office of School Accountability, established pursuant to Chapter 3C of this title.

~~“(4)(9)~~ SCHOLASTIC OR SCHOOL DAY. Shall not be less than six hours of actual teaching, exclusive of all recesses or intermission periods ~~unless otherwise ordered by the county or city board of education.~~ County and city boards of education and the Alabama Institute for Deaf and Blind shall be required to provide each teacher employed a minimum of 30 minutes of time free of instructional or supervisory responsibilities each teaching day. This provision shall not be interpreted to deprive any teacher of benefits exceeding the minimum requirements of this act title.

~~“(3)(10)~~ SCHOLASTIC OR SCHOOL MONTH. Shall ~~constitute~~ consist of not less than 20 school days.

~~“(2)(11)~~ SCHOLASTIC OR SCHOOL WEEK. Shall consist of not less than five school days each week.

~~“(4)(12)~~ SCHOLASTIC OR SCHOOL YEAR. Shall begin with the first day of July and end with the thirtieth day of June each year.

“§ 16-1-14.

“Any city, county, or other local public school board ~~may shall,~~ consistent with Section 16-28-12, prescribe rules and regulations with respect to behavior and discipline of pupils enrolled in the schools under its jurisdiction and, in order to enforce such rules and regulations, ~~may in its discretion require the grouping of pupils based upon considerations of discipline and may~~ remove, isolate, separate, or group pupils who create disciplinary problems in any classroom or other school activity and whose presence in the class may be detrimental to the best interest and welfare of the pupils of such class as a whole. Such removal, isolation, separation, or grouping may not deprive such pupils of their full right to an equal and adequate education as otherwise provided in this act, and all other provisions of law (and all regulations adopted pursuant to such provisions of law) which implement the Alabama First: A Plan for Academic Excellence Act of 1994.”

Section 3. Sections 16-1-16.2 and 16-1-16.3 are added to the Code of Alabama 1975, to read as follows:

§ 16-1-16.2. Early Childhood Development Advisory Council.

(a) The Legislature finds that there is a present need in Alabama to study the educational development needs of preschool aged children, including children with disabilities and disadvantaged children.

(b) For purposes of this section and Section 16-1-16.3, “disadvan-

tagged” children are defined as children who meet the eligibility criteria for “Head Start” programs, as authorized under 45 C.F.R. §§ 1301-1305, or “Even Start” programs, as authorized under 34 C.F.R. § 212.

(c) There is established an Early Childhood Development Advisory Council to make ongoing recommendations to the State Board of Education regarding:

- (1) The coordination of new and existing early childhood programs.
- (2) The establishment and content of programs on parenting.
- (3) The establishment and coordination of Head Start programs.
- (4) The creation and funding of programs for disadvantaged four-year-old children to supplement Head Start, to be provided either in the public schools or through contracts with other preschool providers.
- (5) The establishment and coordination of Even Start programs.
- (6) The improvement or expansion of kindergarten programs.

(d) Fifteen initial members of the Early Childhood Development Advisory Council shall be appointed by the Alabama Commission on School Performance and Accountability. Initial appointees to the Early Childhood Development Advisory Council shall include representatives from those serving, as of the effective date of this act, on the Interagency Coordinating Council. Of the initial 15 members, the ACSPE shall designate three to serve a one-year term, three to serve a two-year term, three to serve a three-year term, three to serve a four-year term, and three to serve a five-year term. All subsequent appointments to the council at the expiration of a member's initial term shall be for a term of five years. Upon the expiration of the initial terms, members shall be appointed one-third by the Governor, one-third by the Speaker of the House, and one-third by the Presiding Officer of the Senate. Members may be reappointed to the council on the expiration of their term. Vacancies occurring on the council due to a member's inability to complete his or her term shall be filled by the appointing authority that appointed the departing member.

§ 16-1-16.3. Early childhood programs.

Within 12 months of the effective date of this act, an early childhood education development program shall be developed and implemented by the State Department of Education to supplement Head Start to provide services to disadvantaged four-year-old children. At a minimum, all chil-

dren who meet the eligibility criteria for Head Start or Even Start programs shall be served by this program. Preschool services for three to five year olds shall be provided for children with disabilities. These services may be provided in a variety of settings, including, but not limited to, existing day care, Head Start, and public or private preschool programs.

Section 4. Section 16-1-24.1 of the Code of Alabama 1975, is amended to read as follows:

“§ 16-1-24.1.

“(a) The legislature finds a compelling public interest in ensuring that schools are made safe and drug-free for all students and school employees. The legislature finds the need for a comprehensive safe school and drug-free school policy to be adopted by the state board of education. This policy should establish minimum standards for classes of offenses and prescribe uniform minimum procedures and penalties for those who violate the policies. It is the intent of the legislature that our schools remain safe and drug-free for all students and school employees. The state board of education shall adopt and all local boards of education shall uniformly enforce policies that protect all students and school employees. The state board of education shall require local school systems to modify their policies, practices or procedures so as to ensure a safe school environment free of illegal drugs, alcohol, or weapons. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3). These modifications shall include the formulation of a discipline plan setting forth policies, practices, and procedures dealing with students or other persons who bring illegal drugs, alcohol, or weapons on a school campus. ~~Such~~ The discipline plan shall also include uniform drug-free school policies with uniform penalties. ~~Any person who violates policies concerning illegal drugs, alcohol or weapons adopted by the local school system shall be arrested on the appropriate warrant, if any criminal charge arises from such conduct, signed by the appropriate school authority. If that person is a student enrolled in any public school in the state of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date. The decision to suspend and/or initiate criminal charges against a student shall include a review and consideration of the student's exceptional status, if applicable, under chapter 39, Title 16, or appropriate federal, statutory and case law. If any person is found guilty of violating this policy at a hearing caused to be held by the local board of education, such person shall not be admitted to the public schools of this state until any criminal charges or offenses arising from such conduct have been disposed of by proper authorities, and such violator(s) have satisfied all other re-~~

quirements imposed by the local school system as a condition for readmission:

~~“(b) No person found guilty of violating a weapons policy may be readmitted to the public schools of this state without psychiatric or psychological counseling and an accompanying report in writing to the local board of education that the person does not represent a threat to the safety or security of any student or employee of the local school system. It is the intent of the legislature that all persons violating policies concerning illegal drugs, alcohol or weapons be prosecuted under appropriate laws of the state of Alabama and removed from the school environment until such time as the safety of all students and employees can be ensured.~~

“(b) The principal shall notify appropriate law enforcement officials when any person violates local board of education policies concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person. If any criminal charge is warranted arising from the conduct, the principal shall sign the appropriate warrant. If that person is a student enrolled in any public school in the State of Alabama, the local school system shall immediately suspend that person from attending regular classes and schedule a hearing at the earliest possible date, which shall not be later than five school days. The decision to suspend or initiate criminal charges against a student, or both, shall include a review and consideration of the student’s exceptional status, if applicable, under Chapter 39, or appropriate federal statutory or case law.

“(c) If a person is found to have violated a local board of education policy concerning drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, the person shall not be readmitted to the public schools of this state until (1) criminal charges or offenses arising from the conduct, if any, have been disposed of by appropriate authorities and (2) the person has satisfied all other requirements imposed by the local board of education as a condition for readmission.

“(d) Any person determined to be guilty of an offense involving drugs, alcohol, weapons, physical harm to a person, or threatened physical harm to a person, may be readmitted to the public schools of this state upon such conditions as the local board of education shall prescribe for preservation of the safety or security of students and employees of the local school board, which may include, but are not limited to, psychiatric or psychological evaluation and counseling.

~~“(e)(1)~~ (1) A copy of the school system’s discipline plan shall be distributed to all students enrolled in the system and their parents, guard-

ians, or custodians shall read the plan and sign a statement verifying that they have been given notice of the discipline policies of their respective school system. The school board shall have its official discipline plan legally audited on an annual basis to ensure that its policies and procedures are currently in compliance with applicable statutes, case law, and state and federal constitutional provisions.

“(2) All discipline plans of school systems shall include, but not be limited to, all of the following:

“a. A parent, guardian, ~~or custodian, or person, excluding a foster parent, responsible for the care or control~~ of a minor child enrolled in a public school system shall be responsible financially for such child’s destructive acts against school property or persons;.

“b. A parent, guardian, ~~or custodian, or person, excluding a foster parent, responsible for the care or control~~ of a minor child enrolled in a public school system may be requested to appear at school by an appropriate school official for a conference regarding acts of the child specified in subsection (a); ~~and,~~

“c. A parent, guardian, ~~or custodian, or person, excluding a foster parent, responsible for the care or control~~ of a minor child enrolled in a school system who has been summoned by proper notification by an appropriate school official shall be required under this provision to attend such discipline conference specified in paragraph b. ~~of this subdivision (2).~~

“(3) Any public school system ~~shall be entitled to~~ may recover actual damages, plus necessary court costs, from the parent ~~and/or or guardian, or both,~~ of any minor who maliciously and willfully damages or destroys property belonging to ~~such the~~ school system. However, this section shall not apply to parents whose parental control of ~~such any~~ child has been removed by court order or decree or to parents of exceptional children with specific mental and physical impairments if the damage is determined to result from ~~such the~~ impairments. The action authorized in this section shall be in addition to all other actions which the school system is entitled to maintain and nothing in this section shall preclude recovery in a greater amount from the minor or from a person, including the parents ~~and/or or guardian, or both,~~ for damages to which such minor other person would otherwise be liable.

“(4) ~~The provisions of this~~ This section shall apply only to acts committed on or after August 1, 1992.

“(d)(f) The local school board shall adopt and make available to

all teachers, school personnel, students, and parents or guardians, at the beginning of the 1992-93 school year and each school year thereafter, a code of student conduct developed in consultation with teachers, school personnel, students, and parents or guardians. The code shall be based on the rules governing student conduct and discipline adopted by the school board and may be made available at the school level in the student handbook or similar publication. The code shall include, but not be limited to, all of the following:

“(1) Specific grounds for disciplinary action;”

“(2) Procedures to be followed for acts requiring discipline; and,”

“(3) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

“(c)(g) Except in the case of excessive force or cruel and unusual punishment, no certified or ~~non-certified~~ noncertified employee of the state board of education or any local board of education shall be civilly liable for any action carried out in conformity with state law and system or school rules regarding the control, discipline, suspension, and expulsion of students.

“(h) Nothing in this section shall be construed to prevent a local board of education or school council, as authorized in Chapter 10A, from promulgating more stringent rules and regulations than those enacted on the state level, in order to foster and maintain a safe and drug-free environment in the public schools.”

Section 5. Sections 16-1-24.2, 16-1-29, 16-1-30, 16-1-31, 16-1-32, 16-1-33, and 16-1-34 are added to Code of Alabama 1975, to read as follows:

§ 16-1-24.2. Alternative school programs.

(a) The Legislature finds and determines that there is a compelling need for alternative school programs to ensure school environments for all students that are conducive to learning. The Legislature finds the need to establish within each county in Alabama at least one alternative school program for students who, through the violation of state or local board of education policy, interfere with the learning environment of other students.

(b) For purposes of this section an alternative school program shall be defined as a school or classroom apart from the regular school program where students are assigned for an extended period of time, such as six weeks, a semester, or one year. The intent of the Legislature is the provision of an alternative learning environment, separated from the regular school program, for those students who consistently exhibit behaviors or patterns of behavior that interfere with the learning environment of other students.

(c) The State Board of Education shall establish guidelines for the development, implementation, and maintenance of the alternative school programs created pursuant to this section. Each local board of education shall establish criteria to determine whether a student should be placed in an alternative school and shall establish a legal process providing for notice and due process hearings prior to such placement. The criteria shall identify those students who consistently exhibit behaviors or patterns of behavior that interfere with the learning environment of other students. The local board, after conducting a due process hearing, shall place a student satisfying this criteria in an alternate school. The student shall remain in the alternate school until the local superintendent of education, upon the recommendation of the principal of the alternate school, determines the student will no longer interfere with the learning environment of other students.

(d) Each county board of education, in those counties not having any city school systems therein, shall operate and maintain, in accordance with subsection (c), at least one alternative school program for students who, by violation of state or local board policy, have disrupted the learning environment of other students in the regular school.

(e) In those counties where city school systems have been established, the local boards of education shall together designate one local board of education to operate and maintain, in accordance with subsection (c), an alternative school program. Those boards of education not maintaining and operating an alternative school program shall contract with the designated board of education for the services of the alternative school program as needed.

(f) Nothing in this section shall be construed to preclude or prohibit local boards of education from providing additional alternative programs for students at risk of school failure; such as in-school suspensions, Saturday school, extended school programs, or tutorial programs.

§ 16-1-29. Collection of incidental fees in schools.

No fees of any kind shall be collected from children attending pub-

lic schools in the state in connection with courses or activities required for promotion or advancement. This section shall in no way affect or restrict the right or power of a school board to fix and collect tuition fees or charges from pupils who attend schools under the jurisdiction of the board but who live outside the territory over which the board has jurisdiction.

§ 16-1-30. School buildings.

All students in the public schools shall be provided with school facilities that are conducive to an effective teaching and learning environment and meet all of the following requirements:

(1) School buildings shall be safe and shall have adequate space, heating, and air conditioning. School grounds shall be safe, clean, appropriate to the educational mission of the school, and shall provide for proper drainage;

(2) All instruction, including instruction for special education students, shall occur in classrooms or other appropriate instructional spaces that are of suitable size and format. Schools shall have adequate science laboratories and facilities and equipment for computer and foreign language instruction; administrative offices; sick rooms or infirmaries; auditoriums; gymnasiums; cafeterias; athletic facilities and playgrounds, as age-appropriate; music, art, and drama facilities; and vocational facilities.

(3) Schools shall have school libraries and media spaces that are appropriate in size, equipment, lighting, and materials for the number and age range of their students. School libraries and media centers shall contain a sufficient number of books, periodicals, and other media resources to serve their student bodies in an appropriate manner. Books and other media resources shall be catalogued and maintained by the services of a certified media specialist.

(4) Schools shall have appropriate maintenance service that provides systematic repair and care of the site, buildings, and equipment. School buildings and grounds shall be clean and sanitary. Sufficient maintenance and janitorial services shall be provided so that principals, teachers, parents, and students are not required to perform maintenance or janitorial tasks. Broken windows shall be fixed with reasonable speed; roofs shall be repaired and not permitted to continue to leak; termites and other pests in schools shall be exterminated as needed; schools shall not have unsafe levels of asbestos or radon as determined by any applicable federal standards; and school drinking water shall be drinkable and safe.

§ 16-1-31. Schools to participate in breakfast program.

Every public school in the state of Alabama eligible to participate in the federal school breakfast program established pursuant to the Child Nutrition Act of 1966, set forth at 42 U.S.C. § 1771, et seq., shall do so, unless exempted by the State Superintendent of Education.

§ 16-1-32. Parent education programs to be provided.

The State Board of Education shall develop or identify, or both, parent education programs to enable parents to assist the schools in fostering the education of their children, and each public school shall provide parent education programs for parents of children attending such school.

§ 16-1-33. Fund raising.

Fund raising shall not be conducted in the public schools during the instructional day.

§ 16-1-34. Personal leave for support personnel at Alabama Institute for Deaf and Blind, public two-year educational institutions, and Alabama School of Fine Arts; funding.

(a) When used in the section, the following terms shall have the following meanings:

(1) **EDUCATIONAL AUTHORITY.** The Alabama Institute for Deaf and Blind, all public two-year educational institutions, and the Alabama School of Fine Arts.

(2) **SUPPORT PERSONNEL or EMPLOYEE.** Maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other noncertificated employee who works an average of 20 hours weekly and who is not otherwise covered by the State Merit System or Teacher Tenure Law.

(b) Each educational authority shall grant two days of personal leave with pay to its support personnel during the time schools are in session. Additional days may be granted by the educational authority at its discretion. No employee, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting the leave. The board of control of the educational authority shall enact policies providing for uniform administration of personal leave.

(c) Funding for two days of personal leave shall come from appropriations made through the annual appropriations act. Funding for additional personal leave days shall be at the expense of the educational authority.

Section 6. Chapter 2A is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 2A
RESTRUCTURING OF STATE DEPARTMENT OF EDUCATION

§ 16-2A-1. State Department of Education to undergo restructuring to facilitate school reform.

The Legislature finds that, in order to further the goals set forth in Alabama First: A Plan for Academic Excellence Act of 1994, the State Department of Education should restructure itself to decentralize authority, provide for regulatory relief at the local level, and provide a primary focus on the provision of leadership and service to the public schools and educators of Alabama, rather than governance.

§ 16-2A-2. State Department of Education staff to receive training in new role; ACSPA to assist in training.

(a) The staff of the State Department of Education shall receive appropriate training to enable the department to provide leadership and support to local school systems, schools, and educators as authority is decentralized from the state department to the local level. Training shall include, at a minimum, training in assessments, instructional support, curriculum adaptation, inclusion, and new methods of administration. Training shall be based upon the assumption that staff understand and respect the diverse racial, ethnic, and cultural backgrounds of Alabama's children. Staff of the State Department of Education shall determine training needs.

(b) The ACSPA shall recommend Alabama business and corporate leaders, as well as other managers and administrators from the public and private sector, to provide suitable performance management training for the staff of the State Department of Education consistent with the changing roles and duties of the staff.

(c) The ACSPA shall name an advisory panel of education experts to design, in consultation with State Department of Education, a comprehensive and sustained professional development program for the staff of the State Department of Education to aid in the implementation of Alabama First: A Plan for Academic Excellence Act of 1994.

§ 16-2A-3. State Department of Education staff to be trained to provide support and leadership to educators of students with disabilities.

(a) State Department of Education staff members shall be trained

to provide support and leadership to state educators of students with disabilities.

(b) Training for State Department of Education staff shall be provided by individuals having experience, professional qualifications, and expertise in the following:

(1) The operation and administration of schools which provide services in integrated environments to students with disabilities, including:

- a. Scheduling to support collaborative teaming.
- b. Building-wide leadership.
- c. Related staff training.
- d. Appropriate health and safety policies.

(2) The rationale and benefits of inclusive education for students with disabilities.

(3) Training for teachers and staff in the following areas:

- a. The strengths and special needs of persons with disabilities.
- b. Methods for supporting instruction in the regular classroom of children with disabilities.
- c. Strategies for developing and implementing collaborative service delivery.
- d. The provision of related services in integrated environments.
- e. The development of community-based instruction and school-to-work transitions.
- f. Positive support strategies and functional assessment of problem behavior.

Section 7. Section 16-3-14.1 is added to the Code of Alabama 1975, to read as follows:

16-3-14.1. Courses of study.

The State Board of Education, upon the recommendation of the

State Superintendent of Education, shall prescribe the contents of courses of study for all public schools in the state. The courses of study shall be consistent with the goals and principles of Chapter 3A of this title.

Section 8. Chapter 3A is added to Title 16 of the Code of Alabama 1975, to read as follows:

**CHAPTER 3A.
REFORM OF ALABAMA PUBLIC SCHOOLS.**

§ 16-3A-1. Legislative intent.

The Legislature finds and determines that:

(1) The Alabama public school system shall be reformed based on the following principles:

a. All Alabama students can learn at significantly higher levels. The expectations that a school system holds for its students, as well as the resources and instructional program that it provides, are important in determining the kind of education that students receive. The Alabama school system must be committed at all levels to the basic principle that all students in the state are expected to achieve at a level that prepares them for meaningful employment and career options, and that permits them to participate and to make informed decisions as citizens that will preserve our democracy.

b. The knowledge exists to help all Alabama students learn at significantly higher levels. Alabama's educators must have the support to act on this knowledge and on continuing developments in educational research.

c. The diversity that parents, teachers, and students bring to Alabama's education system must be respected. All education must be provided in an atmosphere free from prejudice of whatever variety.

d. All learning environments in the state must be safe, sanitary, conducive to learning, and supplied with adequate resources.

e. Teachers, provided with necessary support, are essential to school improvement. Sufficient improvement will occur only when the entire school system, including administrators and other professional and noncertificated staff, empowers teachers and supports them in their educational mission.

f. All special education needs, including the needs of students with

disabilities, must be addressed in all aspects of school reform. The plan for reform contained in Alabama First: A Plan for Academic Excellence Act of 1994 is intended to apply to all students in the Alabama public school system. The performance expected of students who need special education as a result of disabilities is the same as that expected of other students, so long as the applicable standards are consistent with the individual education plan for each of the special education students, even though accommodations for special education students may be required in strategy, methodology, assessment instruments, facilities, technology, school-to-work transitions, and other areas. Gifted students shall have the opportunity to move significantly beyond their present level of achievement.

g. A partnership among educators, students, families, businesses, and communities is necessary for students to achieve success. People outside the school, including parents, can and shall work with school professionals to achieve successful students.

(2) The Alabama public school system must be based on the pursuit of academic excellence with adequate resources to support successful academic performance.

(3) Educators and administrators must be well-trained and be provided adequate professional development.

(4) School staff must have strong support.

(5) The system's infrastructure must be sound.

(6) Non-school barriers to learning must be addressed and minimized.

(7) Reforms must include a strong system of accountability.

(8) Special education must be a part of an inclusive system of education.

(9) Adult education is essential to Alabama's economic future.

(10) Public school funding must have stable sources and be equitable and adequate.

(11) The state shall organize and maintain a public educational system that enables students to develop the knowledge and skills, or capacities, that are the products of an adequate education. This system shall be based on academic excellence, and at the same time shall promote the en-

abling conditions for improving day-to-day learning and teaching. It shall provide students with adequate and equitable opportunities to achieve the desired levels of performance. To be adequate, Alabama's educational system must, at a minimum, equip its students with the following capacities:

a. Sufficient oral and written communication skills to function in Alabama and at national and international levels.

b. Sufficient mathematical and scientific skills to function in Alabama and at national and international levels.

c. Sufficient knowledge of economic, social, and political systems generally, and of the history, politics, and social structure of Alabama and the United States specifically, to enable the students to make informed choices.

d. Sufficient understanding of governmental processes and of basic civic institutions to enable the students to understand and contribute to the issues that affect his or her community, state, and nation.

e. Sufficient self-knowledge and knowledge of principles of physical and mental health to enable the student to monitor and contribute to his or her own physical and mental well-being.

f. Sufficient understanding of the arts to enable each student to appreciate his or her cultural heritage and the cultural heritage of others.

g. Sufficient training, or preparation for advanced training, in academic or vocational skills, and sufficient guidance to enable each child to choose and pursue lifework intelligently.

h. Sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in Alabama, in surrounding states, across the nation, and throughout the world in academics or in the job market.

i. Sufficient support and guidance so that every student feels a sense of self-worth and ability to achieve, and so that every student is encouraged to live up to his or her full potential.

(12) The system of secondary education in this state shall be restructured to ensure that all secondary students have access to curriculum and learning experiences designed to prepare them for future employment, educational and career opportunities, and active citizenship. The restructuring shall be based on exceptionally high achievement in the core curricu-

lum by all students early in the secondary years and shall emphasize the transition from school to work. The business community of this state shall play a role in the implementation of this restructuring and therefore shall assist the ACSPA and the State Board of Education in the development of the restructuring plan.

(13) The reform of education pursuant to Alabama First: A Plan for Academic Excellence Act of 1994 shall not, in any way, include values clarification activities or the assessment of any child's values. Students shall not in any way be tested, surveyed, evaluated, measured, or graded on their values or the values of their families. School personnel shall be prohibited from using any techniques in the classroom that involve the induction of hypnotic states, guided imagery, meditation or yoga. Such reform must recognize that personal values are best learned by students from sources other than public education such as parents and places of worship.

(14) Parents or guardians shall be notified if or when sex education classes as defined by the State Board of Education are going to be taught and shall have the authority to opt their students out of such classes. Meaningful activities shall be provided for students who are opted out of sex education classes.

(15) The ACSPA, charged with the task of providing guidance and developing policy framework to facilitate the implementation of Alabama First: A Plan for Academic Excellence Act of 1994 in Alabama's public schools, shall provide the starting impetus and sustaining interest to translate the act's precepts of reform into practical, measurable improvements in Alabama's public school system.

(16) All levels of Alabama's education system, including the State Department of Education, local school boards, schools, educators, the Governor, members of the Legislature, and all others responsible for the financing or administration of education in Alabama, consistent with the authority and responsibility assigned to each level, shall be directly accountable to the citizens of Alabama to carry out their constitutional obligations related to education, which include not only holding those entities responsible for administering and operating the state's public school system accountable for the system's performance, but also enabling the entities to achieve the results demanded of them by ensuring that:

a. They are provided with adequate means (including staff and resources, support for professional development, access to effective programs, and technical assistance) to achieve the goals.

b. Accountability accompanies authority.

c. All students are afforded adequate and equitable educational opportunities.

(17) All agencies, councils, committees, commissions, or like bodies created by or pursuant to Alabama First: A Plan for Academic Excellence Act of 1994 shall be representative of the diverse nature of the population to be served by the body.

§ 16-3A-2. Adoption of learning goals and objectives.

The State Board of Education shall adopt and order the implementation of the following learning goals and academic achievement objectives and shall require these goals and objectives to be prerequisites to graduating from high school following the 1998-99 school year.

(a) Social Studies Achievement Objectives. Alabama students shall:

(1) Demonstrate an understanding of the major and diverse historical and geographical themes in the study of Alabama, the United States of America, and the world.

(2) Demonstrate an understanding of current events in Alabama, the United States of America, and the world.

(3) Demonstrate an understanding of the economic systems of the United States of America and the world and how those systems impact consumption and production choices in the marketplace.

(4) Demonstrate an understanding of the role of the United States of America citizen, of American constitutional democracy, and of other forms of government.

(5) Show how to use literature, documents, maps, and globes in researching and explaining topics of historical and current interest.

(6) Show how to use current technology as a tool for communication and research.

(7) Show how they can make informed decisions using analytical skills.

(b) Science Academic Achievement Objectives. Public school students will:

(1) Demonstrate an understanding of the dynamic nature of the earth and universe.

(2) Demonstrate an understanding of the fundamental concepts in the areas of biology, physical science, zoology, other life sciences, chemistry and physics.

(3) Demonstrate an understanding in the physical science with emphasis on the nature of matter, changes in matter and energy, the laws of motion, and the forces of nature.

(4) Construct and develop science projects at each secondary grade level and shall demonstrate the safe and proficient use of scientific equipment such as thermometers, microscopes, balances, computers and electronic probes.

(5) Demonstrate an understanding of the scientific method and the historical significance of the study of science.

(6) Apply and appropriately integrate scientific knowledge and thinking/process skills through observation, classification, inference, prediction and the formulation of models.

(7) Plan, complete, and evaluate investigations and communicate results by developing science projects and papers.

(c) Mathematics Academic Achievement Objectives. Alabama students will:

(1) Apply mathematical processes in a variety of situations (such as, personal, academic, consumer, and career).

(2) Solve problems applying a variety of mathematical approaches such as addition, subtraction, multiplication and division of numbers and fractions.

(3) Use geometry to measure the volume, width, length and height of various objects.

(4) Show proficient use of data analysis techniques, statistical methods, and probability concepts to describe and analyze data and to make decisions and predictions regarding such data.

(5) Apply geometric concepts to problems dealing with symmetry, similarity and other fundamental approaches.

(6) Show they can perform inverse operations, factoring, and simplifying irrational expressions in algebra.

(7) Show they understand how to use graphs, formulas, spreadsheets, and physical models.

(8) Show a proficient understanding of how to use logical reasoning skills to solve problems, analyze data, prove conjectures, test validity of arguments, and establish relationships.

(9) Show how to perform mathematical problems and equations through the use of paper and pencil, mental arithmetic, calculator, and computer tools.

(10) Express ideas, concepts, and relationships using mathematical terms and symbols, and language.

(11) Made connections among the various topics of mathematics and among mathematics and the other disciplines.

(d) English, Speech and Language Academic Achievement Standards. Alabama students shall:

(1) Read with comprehension printed material from diverse sources from academic, work related, functional, and recreational material.

(2) Write with clarity for a variety of purposes and audiences including, but not limited to, research and creative writing papers and book reports at all secondary levels.

(3) Speak for a variety of purposes and to diverse audiences.

(4) Listen to and show they are able to comprehend and interpret oral presentations by teachers and other individuals.

(5) Demonstrate knowledge of the types, periods, and characteristics of literature from diverse cultures and places.

(6) Demonstrate competence in the use of grammar, spelling, sentence and paragraph structure and diagramming in oral and written communications.

(7) Use critical, creative, and logical thinking when reading, speaking, writing, listening, and observing.

(8) Use computers and other technologies to locate and organize information and express ideas.

(9) Demonstrate effective use of reference material and research skills.

(10) Demonstrate communication skills in a second language.

(e) Vocational and Career Academic Achievement Objectives. Alabama students shall:

(1) Identify potential career options and the education and training requirements for each prior to the eleventh and twelfth grade years of study.

(2) Explore personal aptitudes and interests and link them to career and employment opportunities.

(3) Attend career and higher education recruiting fairs and orientations sessions

(4) Work independently and cooperatively in various settings to set goals, create solutions, manage resources, monitor progress, and complete tasks.

(5) Organize and allocate resources, access and use information, and identify and use technologies to produce an idea, process, or product.

(6) Use reasoning and problem-solving skills to make informed decisions.

(7) Demonstrate an understanding of management, labor and production functions within a business or industry.

(f) Health Education and Physical Education Academic Achievement Objectives. Alabama students shall:

(1) Demonstrate an understanding of the relationship among all aspects of personal hygiene and health.

(2) Implement a plan of personal fitness and wellness, and shall demonstrate such fitness and wellness.

(3) Demonstrate knowledge of the rules, regulations, and laws that have an impact on health and safety of individuals and communities.

All of the above goals may be revised by the State Board of Education prior to August 1, 1994, provided any such revision must first be submitted to the Legislative Oversight Committee on Education Reform and

approved by that committee. Each goal and objective shall be a public document, available for inspection at reasonable times by students, parents, teachers, and other members of the local community.

§ 16-3A-3. Courses of study.

(a) The State Board of Education, upon the recommendation of the State Superintendent, shall establish courses of study, based on the learning goals and objectives established pursuant to Section 16-3A-2, that define more specifically, in measurable terms, what Alabama students are required to know and be able to do.

(b) The courses of study shall be based on the following principles:

(1) The courses of study shall identify what students should know and be able to do, but not how they are to be taught. Schools and school systems shall have the authority to make decisions about the way in which instruction will occur. In implementing courses of study, schools and school systems may develop innovative, interdisciplinary modes of instruction adapted to local contexts and needs that are responsive to the variety of ways in which students learn.

(2) The State Board of Education shall prescribe contents of courses of study. School councils and school systems may establish curriculum with contents more expansive and rigorous than the course of study prescribed by the state board.

(3) Courses of study relating to language arts shall include provisions for phonics and whole language.

(4) The State Board of Education shall adopt necessary policies, procedures, rules, regulations, and/or standards to require college and university departments of education to review their existing educational programs for prospective English, social studies, mathematics, and science teachers in order to ensure that such prospective teachers are properly prepared to teach the courses required by this section.

(c) The State Board of Education shall re-examine the courses of study as often as it deems necessary, but at least every six years, and shall update the courses of study as necessary to accomplish the intent expressed in Section 16-3A-1.

§ 16-3A-4. Restructuring of secondary education.

The State Board of Education, upon the recommendation of the

ACSPA, shall develop and implement a statewide, long-range plan for restructuring secondary education. This plan shall be based on the following principles:

(1) Schools shall require that all students enroll in a high-level core academic curriculum (including academically rigorous material in science, mathematics, English, foreign language, the arts, social studies, health and physical education, and work preparation skills throughout the secondary school years) and support to stay in school and take advantage of that curriculum. The core curriculum shall provide all students with access to the knowledge and skills necessary to be successful in college and to be successful in a meaningful career.

(2) The general track of undemanding courses to which too many of our students have been relegated shall be abolished.

(3) After grade 10, in addition to the common core curriculum, schools shall offer advanced courses in high-skill occupationally oriented learning experiences, enriched arts and sciences, or courses that integrate both experiences that are structured to provide students with meaningful career options regardless of whether their immediate plans following high school are to seek employment or to enter college.

(4) Student standards for graduation and promotion shall be examined and revised to reflect the integrated system of instruction and assessment established pursuant to this chapter and the restructuring effort.

(5) A high school exit system shall be designed that includes the awarding of a diploma. Receipt of the diploma will signify (i) successful performance in the core curriculum and (ii) one or more of the following: possession of qualifications necessary to enter college, enter technical training institutions or apprenticeship programs, or enter a first job on a career path.

(6) New graduation and promotion requirements for students shall not take effect until their schools have received an adequate level of resources and have improved sufficiently to make the requirements appropriate. The State Board of Education shall develop an appropriate benchmark for determining when this improvement has occurred.

(7) The role of work-site learning shall be increased.

(8) Technical prep programs, vocational technical programs, and other successful work preparation programs shall be taken into account.

(9) Schools shall provide career exposure through grade six with

structured career awareness activities in grades seven and eight, and shall provide students with counseling and guidance to identify the range of educational and occupational options in Alabama and the nation, along with information about the educational programs necessary to pursue these options.

(10) The secondary program shall be designed to ensure that students have the opportunity to specialize in enriched arts and sciences and high-skill-occupationally oriented courses. Students shall be given appropriate notice and allowed to change between occupationally-oriented and enriched arts and sciences courses at any appropriate time. Schools shall provide students who specialize with extended learning opportunities as needed to make such changes possible.

(11) Schools shall not be held to any one model, but may select or develop advanced course offerings and methods for course delivery that are adapted to the local characteristics and needs of the school and its students, including small school size. Joint inter-school and inter-system scheduling shall be used when appropriate.

(12) The state shall provide schools with adequate resources and technical assistance to support all aspects of the secondary school curriculum.

(13) Schools shall not track students, relegate particular students to a general track of undemanding courses, or design course work that forecloses educational and occupational options for students. Programs shall not result in de facto tracking and shall include safeguards to ensure that factors such as socio-economic status, race, gender, and disability do not limit or determine students' post high-school pursuits.

(14) The private sector shall be encouraged to develop a capacity to provide technical assistance for work-site learning and, increasingly, to become part of the actual delivery system.

(15) For students with cognitive disabilities who cannot meet full exit criteria, schools shall provide appropriate transition services and light skill services in order to ensure meaningful postsecondary educational and vocational opportunities.

§ 16-3A-4.1. Restructuring of elementary education.

The State Board of Education, upon the recommendation of the ACSPA, shall develop and implement a statewide, long-range plan for re-

structuring elementary education. This plan shall be based on the following principles:

(1) Schools shall offer all students a high-level core academic curriculum of reading, writing, English, and mathematics for grades K to 5, inclusive, and support to stay in school and take advantage of that curriculum. The core curriculum shall provide all students with access to the knowledge and skills necessary to be successful when they reach middle, junior high, and high school.

(2) The general track of undemanding courses to which too many of our students have been relegated shall be abolished.

(3) Other than the core curriculum courses of reading, writing, English, and mathematics, each school with a school council and the local board of education for schools with no school council, shall select other curriculum for that particular school.

(4) Student standards for promotion from one grade to the next shall be examined and revised to reflect the integrated system of instruction and assessment established pursuant to this chapter and the restructuring effort.

(5) Schools shall not be held to any one model but shall be allowed to select and develop course offerings and methods of course delivery that are adapted to the local characteristics and needs of the school and its students.

(6) The state shall provide schools with adequate resources and technical assistance to support all aspects of the elementary school curriculum.

(7) Schools shall not track students, relegate particular students to a general track of undemanding courses or design course work that forecloses educational options for the students. Programs shall not result in de facto tracking and shall include safeguards to insure that factors such as socio-economic status, race, gender, and disability do not limit or determine students pursuits.

(8) In order to overcome education deficiencies and in order to meet education performance standards, the State Board of Education shall identify programs for local school systems that provide intensive instruction to students who are low income or low performing or both. All at-risk students in grades K to 5, inclusive, and all at-risk students failing to meet

student performance objectives in grades K to 5, inclusive, shall be provided with effective educational programs as defined in this act.

(9) Students shall be encouraged to learn at the highest level possible according to individual ability and achievement. Insofar as elementary education is concerned, Section 16-3A-13 shall apply.

(10) Beginning in the 1994-1995 school year, no elementary class in the public schools in grades K to 3, inclusive, in this state shall have more than 20 students, and, no classroom teacher in such a class shall teach more than 20 students per day.

(11) The State Board of Education shall by regulation prescribe exemptions from the requirement of class size for classes such as band, chorus, physical education, innovative instructional practices, and for other exceptional circumstances.

(12) If a class in grades K to 3, inclusive, in an elementary school exceeds 20 students, then the local school board shall immediately place in that school an additional teacher for the additional student or students above 20.

(13) The State Board of Education, upon the recommendation of the State Superintendent, shall establish a basic core curriculum course of study based upon the learning goals and objectives as to what Alabama elementary students need to know and to be able to do at the conclusion of each elementary year.

(14) The core curriculum courses of study shall be based on the following principles:

a. The courses of study shall identify what students should know and be able to do, but not how they are to be taught.

b. The course of study shall identify what students must know and be able to do at the conclusion of each elementary year, which goal shall be met before a student is promoted to the next level or grade.

§ 16-3A-5. Development of assessment strategies.

(a) The State Board of Education shall, within six years of the effective date of this act, develop and implement assessment strategies to measure whether students are performing at the level necessary to achieve the goals and objectives established pursuant to Section 16-3A-2. The assessment strategies shall provide for:

(1) Assessments, including criterion-referenced tests and other appropriate strategies such as portfolios, projects, and tasks based on the pursuit of academic excellence.

(2) Comparison of the performance of students in Alabama public schools with that of students in other states by the use of nationally recognized normed-referenced standardized tests designed to provide the comparisons.

(3) Accommodation of the particular needs of the students with disabilities to allow each student to demonstrate his or her competence in achieving the performance goals and objectives.

(b) The Office of School Accountability (OSA) shall monitor the assessment strategies established and implemented pursuant to subsection (a) to confirm their validity and reliability, and to ensure the absence of gender, racial, and cultural bias.

(c) Schools are authorized and encouraged to continue the use of traditional grading methods (such as "A," "B," "C," "D," and "F") when schools and local boards of education consider the use of those methods appropriate under the circumstances.

(d) The OSA shall include in its annual report a comparison of the test scores of Alabama students with test scores of students in other states on the nationally recognized norm based standardized tests required by subsection (a)(2) of this section. The Legislature expects that the reforms initiated by the Alabama First: A Plan for Academic Excellence Act of 1994 will enable students to demonstrate significant progress once the reforms have been implemented and students have had a reasonable opportunity to experience the effect of such reform. If the comparative ranking, or norm reference, if applicable, of Alabama students on such test does not improve during the period covered by the OSA report, the OSA shall provide its analysis of the reasons why improvement is not shown and its recommendation for any changes in the Alabama public school system that would improve the comparative ranking of Alabama students.

§ 16-3A-6. Accountability system.

(a) The ACSPA, in consultation with the State Board of Education, utilizing appropriate experts as it deems appropriate, and a broadly representative group of local educators, shall develop an incentive system of educator rewards, assistance, and consequences which shall constitute Alabama's core accountability program for successful and unsuccessful

school performance. The accountability system shall be based on the following principles:

(1) The school, or an appropriate school team within the school, shall be the unit of accountability, not the individual teacher. Teachers will be evaluated and held accountable on an individual basis at the school level, under the direction of the local board or the school council, if applicable. "School" shall be defined by the State Board of Education at least six months prior to the commencement of assessment of schools for accountability purposes, and the definition shall take into account problems such as those presented by schools with non-traditional grade structures or students with special needs.

(2) Schools shall be provided with adequate and equitable resources and with the authority necessary to achieve the results for which they are held accountable.

(3) The State Board of Education shall develop and implement a system for periodic assessment of each school's performance. The system shall ensure that schools devote resources and attention to the continuous encouragement and development of all students, whether high- or low-performing. Schools shall not be compared with one another, but rather, each school's performance shall be compared with its own historical performance. The accountability system shall be fair to all schools and recognize that schools begin from different starting points and face different challenges in meeting learning goals. Schools in which virtually all students are meeting learning goals shall not be penalized by the system and shall have fair opportunities for rewards.

(4) For purposes of assessing school performance as required in this section, student success shall be defined in terms of student achievement of the learning goals and performance objectives established pursuant to Section 16-3A-2, as measured by assessment strategies to be established by the State Board of Education.

(5) School performance shall be assessed, and rewards, assistance, and consequences for schools determined, based upon a combined analysis of the following:

a. The aggregate performance of the students within that school, taking into account both the proportion of students successfully achieving performance objectives, and the movement of students toward, away from, or beyond such performance objectives during the period preceding the assessment.

b. Various other factors, as determined by the State Board of Education in consultation with the ACSPA, which factors shall include, without limitation, the graduation/completion/dropout rate, retention rate, the daily attendance rate, and the expulsion, assignment to alternative school program, and suspension rate for each school.

The State Board of Education shall, with input from the ACSPA, develop regulations prescribing the relative weight to be given the factors discussed in paragraphs a. and b., in order to arrive at a performance index or "grade" for each school's performance for that assessment period for purposes of administering rewards, assistance, and consequences. The analysis of student performance described in paragraph a. shall be given greater weight than the factors enumerated in paragraph b. in judging the overall performance of a school unit. The method used to calculate a school's performance index shall be reviewed by the OSA for validity at least once every five years.

(6) For purposes of assessing changes in the aggregate performance of students in the schools, student performance shall be charted or placed on a continuum of achievement of performance objectives, to be developed by the State Department of Education for use in all schools. At the time of each assessment, the movement of students along the continuum of performance from one assessment period to the next shall be analyzed to obtain the information used in paragraph a. of subdivision (5) to calculate the school's performance index for an assessment period.

(7) Assessments for accountability purposes shall occur at two-year intervals, with the initial assessments to occur within the period commencing two years after the effective date of this act and ending nine months thereafter. Assessments may be undertaken more frequently than required by the accountability system, but any such assessments shall not be associated with rewards and consequences. The initial assessment shall be performed only to obtain beginning or "baseline" data of student performance necessary to permit valid measurement of changes in student performance in subsequent periodic assessments. No rewards or consequences shall result from the initial assessment.

(8) Each school shall be expected to improve its performance with each periodic assessment, both through an increase in the proportion of satisfactorily-performing and above satisfactorily-performing students and a decrease in the proportion of lowest-performing students.

(9) Rewards for schools showing satisfactory improvement may include financial bonuses to schools, to be spent at the sole discretion of school councils, or at the discretion of the local board for the benefit of the school where a school council has not been established. Rewards may also

be used for purposes such as graduate work, attendance at professional conferences, the purchase of classroom materials and equipment, or field trips. In addition, the State Board of Education, in consultation with local schools, shall identify non-financial rewards to provide recognition of successful schools, such as designation as an exemplary school, statewide publicity, community awards ceremonies, or school banquets.

(10) The accountability system shall be designed in such a way as to ensure that schools are not rewarded for achieving performance growth only among students with whom the school system has tended to be more successful. All students, including those with disabilities, shall participate fully in the assessment and accountability process so that schools have strong incentives to increase the success of students with disabilities; however, necessary accommodations may be made for students with severe cognitive disabilities.

(11) Local school superintendents, local school boards, school staff, and the community shall be provided fair notice of the rewards and consequences to expect if certain results are or are not achieved. The rewards and consequences shall be specified no later than one year after the initial assessment, shall be posted at all schools, and disseminated to parents and teachers.

(12) The rewards system shall be continuously monitored by the OSA to ensure its validity in rewarding improvements in and maintaining performance, rather than wealth or other non-performance factors.

(13) If assessments indicate that a school is failing to achieve improvements in performance, the school shall be provided upon application, as appropriate, substantial assistance in meeting its performance thresholds. This assistance may include, but not be limited to, technical support, hands-on help, extra professional development, and eligibility for state grants. Targeted special assistance projects shall be established and administered by the State Board of Education. Eligible schools shall submit applications for assistance through their school systems. The State Board of Education shall aid systems and schools in diagnosing problems and identifying improvement strategies and shall provide special training for those involved in such diagnostic activities. If a school is in need of assistance even before formal assessments have been performed, it shall be able to apply immediately for assistance. The local school board and superintendent shall be given a reasonable time to assist a failing school in correcting performance problems prior to any actions taken under subsequent parts of this section.

(14) The consequences for failure shall include, as circumstances warrant, loss of school control and status. In such cases, mandatory diag-

nostic and remedial help shall be administered by the State Department of Education. A failing school shall be required to submit a plan for improvement to the local school board and superintendent for approval. One or more highly skilled and respected educators, "Alabama Distinguished Educators" or "ADEs", chosen by the State Department of Education according to criteria developed by the State Board of Education, may be assigned to the school and vested with certain decision-making authority to assist in the school's improvement. The school and its staff shall be required to complete an assessment, supported by written documentation, to determine the reasons why the school did not meet its accountability threshold. The school shall be placed by the State Department of Education in one of the following categories:

a. Tier I. A school failing to achieve its expected performance level, but maintaining at least the previous proportion of students successfully achieving performance objectives, shall:

1. Publicize school status.
2. Develop a school improvement plan.
3. Publicize the school improvement plan.
4. Compile an end-of-year report on the school improvement plan, as implemented.
5. Apply for any available state school development grant monies.
6. Plan a comprehensive staff development program aimed at correcting the school's specific weaknesses.

Once a school has been designated a Tier I school, if it fails at the next biannual assessment to meet its expected performance level, it will automatically become a Tier II school, even if the proportion of students successfully achieving performance objectives has not declined.

b. Tier II. A school in which the proportion of students successfully achieving performance objectives declines, but by less than five percentage points, shall:

1. Be subject to the same consequences and assistance as a Tier I school.
2. Compile both mid-year and end-of-year reports on the school improvement plan.

3. Be assigned one or more ADEs to assist in the school's improvement. The ADE may substitute his or her judgment regarding any decision previously vested in the school's principal, instructional staff, or school council.

c. Tier III. No school shall move directly to a Tier III designation, even though the proportion of students successfully achieving performance objectives might decline by five percentage points or more. Such a school should first be designated a Tier II school and should be given two years to reverse the trend. At the end of two years, the school should again be evaluated. If it is again determined that the proportion of successful students has declined by five percentage points or more, the school shall be declared a Tier III school or "school-in-crisis." Provided, however, a school evaluated to be in the top 25 percent of all schools in the state based on criteria established by the State Board of Education shall not be declared a "school-in-crisis." A "school-in-crisis" shall:

1. Be publicly declared a "school-in-crisis."
2. Be subject to the same consequences and assistance as a Tier II school.
3. Be subject to total loss of decision-making authority to an ADE.
4. Have its principal and certified staff be subject to dismissal or transfer upon ADE recommendation, as set forth in subdivision (15).
5. Require any transferred or dismissed instructional personnel to forfeit claims to any subsequent school reward.

If consistent improvement is not shown in the school in the next biannual assessment, the local school board, the State Department of Education and the OSA shall together determine the best course of action for the students at the school, including, but not limited to, continuation under the authority of the ADE, the hiring of a new principal, or closure of the school and reassignment of the students. Final determination shall be made by the local board.

A school shall be allowed to appeal a Tier placement in accordance with regulations to be developed by the State Department of Education and approved by the ACSPA.

(15) One or more ADEs shall be assigned to a Tier II or Tier III school. The decision as to whom and how many shall be assigned shall be made by the State Department of Education after consultation with the lo-

cal board. The powers and responsibilities of an ADE shall include all of the following:

a. Working with the principal and any other administrative or support staff to improve the school's performance.

b. Working with the teachers to assist them in their effort to improve student performance.

c. Helping to increase the effectiveness or involvement of staff, parents, the civic and business community, and other government or private agencies as necessary to improve the school's performance.

d. Making a judgment about the effectiveness of the school's instructional staff. After six months' association with the "school-in-crisis," the ADE shall make a judgment about each instructional staff member, recommending retention, dismissal, or transfer. In a Tier II school, any transfer or dismissal recommendations shall be considered by the local board consistent with the procedures set forth in Chapters 22A or 24B, as appropriate. In a "school-in-crisis," the ADE shall have additional authority, arising from the paramount interest of the state in providing its children the adequate education to which they are constitutionally entitled, to dismiss personnel failing to perform their duties satisfactorily without reference or adherence to Chapters 22A or 24B. The authority is to be exercised only when, in the judgment of the ADE, the performance of the personnel is so substandard that an emergency situation exists that imperils or impedes the educational process to an extent that the students' constitutional entitlement to an adequate education is impaired. In a "school-in-crisis," the ADE shall repeat the evaluation process every six months, until the State Department of Education determines that the school is no longer a "school-in-crisis" or until the next biannual assessment is completed and its results warrant removal of the Tier III designation.

(16) School staff shall be consulted as to the nature of the problems inhibiting school performance and the best possible solutions. The focus of intervention shall not be to assign blame but to rehabilitate and reinvigorate schools. The accountability system shall operate not only with concern for student welfare, but also with respect for the educators.

(b) The State Department of Education shall develop a system of accountability, including rewards, assistance, and consequences, for school systems that is analogous to that developed for schools, except that the performance measures employed shall relate to the school systems' overall success in achieving improvements in performance.

(c) The ACSPA shall create a system of accountability to evaluate the State Department of Education.

§ 16-3A-7. Consolidation and deconsolidation.

The State Board of Education shall develop criteria for the consolidation and deconsolidation of schools by local school boards consistent with the pursuit of academic excellence embodied in Alabama First: A Plan for Academic Excellence Act of 1994.

§ 16-3A-8. Targeted compensatory assistance.

In order to overcome past education system deficiencies and in order to meet education performance standards, targeted compensatory assistance shall be provided to public schools to provide or expand effective instructional programs to improve student performance, prevent dropouts, and prepare graduates for work or higher education, and the State Board of Education shall administer funds appropriated for this purpose. This targeted assistance shall be directed to students at the secondary level who have previously been denied the knowledge or skills necessary for college, other postsecondary education, or career path employment.

§ 16-3A-9. Programs for students who are low income or low performing, or both.

In order to overcome past education system deficiencies and in order to meet education performance standards, the State Board of Education shall, within one year of the effective date of this act, identify programs for local school systems that provide sustained and intensive instruction to students who are low income or low performing, or both, and that have a research basis confirming their success in bringing such students to high levels of achievement. All at-risk students in grades K to three, inclusive, and all at-risk students failing to meet the student performance objectives in grades four to 12, inclusive, shall be provided with effective educational programs as described in this section.

§ 16-3A-10. Development of building program.

(a) The State Board of Education shall conduct a needs assessment, utilizing outside consultants as it deems appropriate, for the purpose of initiating a large-scale construction and renovation program for public schools. This assessment shall concentrate on facilities in poor condition for their intended use and facilities inadequate to accommodate any necessary features, such as science laboratories and technology, access for the disabled, and increased student populations. The State Board of Educa-

tion, in making this assessment, shall consider the impact of increased use of school facilities by the community and by students for extra hours per day and days per year. The State Board of Education shall also consider the advice of professional architects and teachers and others who are in the schools on a daily basis.

(b) The State Board of Education shall present its completed needs assessment to the Governor and the Legislature, to include recommendations about the priority of projects to be accomplished, cost and time estimates for completion of the construction and renovation program, and proposals for funding the construction and renovation program.

(c) Fund allocations for facilities shall not be made on a per capita basis, but rather shall be made according to priorities as set forth in the needs assessment. Those schools and school systems with the greatest need shall be given the highest priorities in the allocation of funds.

§ 16-3A-11. Minimum and average salary schedules for teachers.

(a) Teachers in the public schools shall be paid no less than the minimum amounts set forth in a salary schedule to be determined by the State Board of Education, taking into consideration factors such as length of contract years and employee benefits provided. In no event may any teacher's salary be reduced from its current level as a result of this section.

(b) The average teacher salary for teachers in the public schools of the state shall be increased to equal or exceed the average public school teacher salary in the southeastern states, as determined by the State Board of Education, by school year 1995-1996, and for each year thereafter.

(c) By September 1, 1995, the State Board of Education shall recommend to the Legislature a timetable for closing the gap between the average public school teacher salary in the state and the national average.

(d) The State Board of Education shall conduct a compensation study to consider emerging approaches to compensation, such as skill-based compensation plans, and shall also examine the adequacy of and may recommend improvements to the requirements set forth in subsections (a) to (c), inclusive, without lowering the compensation standards set forth therein. The study shall also consider interdistrict inequities in compensation across the state.

§ 16-3A-12. Maximum class size; maximum number of students per day; exemptions; adequate instruction and instructional support.

(a) Except as provided in subsections (b) and (c), beginning in the 1994-1995 school year:

(1) No K to 3, inclusive, class in the public schools in the state shall have more than 20 students; no grade 4 to 6, inclusive, class in the public schools shall have more than 23 students; and no grade 7 to 12, inclusive, shall have more than 28 students.

(2) No teacher shall teach more than 150 students per day.

(b) The State Board of Education shall by regulation prescribe exemptions from the requirements of subsection (a) for:

(1) Classes such as band, chorus, or physical education in which a larger class size is consistent with the educational purpose of the class.

(2) Innovative instructional practices, including instructional technologies.

(3) Other exceptional circumstances consistent with the mandates of Alabama First: A Plan for Academic Excellence Act of 1994.

(c) Schools in which Chapter 10A of this title regarding school-based decision making have been implemented shall be exempt from the requirements of subsection (a) in order to offer classes such as band, chorus, or physical education in which a larger class size is consistent with the educational purpose of the class, to facilitate the use of innovative instructional practices, including instructional technologies, and in other exceptional circumstances, consistent with the mandates of Alabama First: A Plan for Academic Excellence Act of 1994.

(d) All students shall be provided with adequate instruction and instructional support, including, but not limited to, appropriate student-teacher ratios, adequate guidance, health and library services, and adequate clerical and other support staff.

§ 16-3A-13. Advanced and advanced placement courses.

(a) The Legislature finds and determines that improvement of the public education system requires that students be encouraged to learn at the highest level possible according to interest and achievement.

(1) Schools and school systems shall offer access to a curriculum with advanced courses that have contents more expansive and rigorous than the core curriculum required by the courses of study prescribed by the State Board of Education.

(2) Students who demonstrate a mastery of the requisite knowledge and skills in a given subject shall not be required to take courses designed to teach that knowledge of those skills and, instead, may elect to take other courses, including courses at a higher grade level. Certification that a student has mastered the knowledge and skills for a given subject shall be based upon an assessment process developed by the local school board and approved by the State Department of Education.

(3) Every student shall be allowed to take any advanced courses offered, provided that the student has completed any prerequisite course and subject to reasonable scheduling requirements of the school.

(b) Any student may choose to enroll in an advanced placement course, subject to (i) reasonable rules and tests promulgated to ensure that a student demonstrates minimum competency and first completes prerequisite courses, and (ii) reasonable scheduling requirements of the school.

(c) Advanced and advanced placement courses shall be subject to the following:

(1) Students and parents are informed of any proposed advanced academic program, including the criteria to be applied to establish and administer the program. Notwithstanding such criteria, the school or school system shall make every reasonable effort to accommodate a request that a student be included in an advanced program.

(2) Schools shall not group students or design coursework in a manner that forecloses, whether by rule or de facto, educational and occupational options for students.

(3) No advanced level program may discriminate, whether by rule or de facto, on the basis of race, color, sex, national origin or religion.

(d) Nothing in this section shall be construed to preclude the offering of the international baccalaureate program.

Section 9. Chapter 3B is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 3B
ALABAMA COMMISSION ON SCHOOL
PERFORMANCE AND ACCOUNTABILITY.

§ 16-3B-1. Alabama Commission on School Performance and Accountability created.

The Alabama Commission on School Performance and Accountability (ACSPA) is created for the purpose of serving as the primary authority for developing the policy framework for school reform and for the purpose of facilitating and implementing the goals and objectives of Alabama First: A Plan for Academic Excellence Act of 1994, as set forth therein.

§ 16-3B-2. Appointment; confirmation of members; chair; members not to be paid.

(a) The ACSPA shall be composed of 21 members appointed by the Governor. The members of the ACSPA may be parents, business leaders, civic leaders, education leaders, or other Alabamians with a deep commitment to the state's future and to education in particular. The appointees shall serve for a term of six years from the effective date of this act. Any vacancy on the ACSPA shall be filled by the Governor for the unexpired term. The ACSPA shall remain in existence for a period of six years from the effective date of this act.

(b) Appointees to the ACSPA shall be subject to confirmation by the Senate.

(c) The Governor shall select a chair from among the members of the ACSPA. The first chair shall serve a one-year term as chair and may be reappointed by the Governor for additional terms.

(d) Members of the ACSPA shall receive no compensation.

Section 10. Chapter 3C is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 3C. OFFICE OF SCHOOL ACCOUNTABILITY.

§ 16-3C-1. Office of School Accountability created.

An independent Office of School Accountability (OSA) is created for the purpose of monitoring student and school performance in order to assess and report the following:

(1) Whether the statewide school system is achieving the standards set pursuant to Alabama First: A Plan for Academic Excellence Act of 1994, including, without limitation, the performance goals and objectives established at the student and school levels.

(2) Whether, and to what extent, the State of Alabama has pro-

vided adequate and equitable resources to enable schools and students to meet such standards.

§ 16-3C-2. Office of School Accountability to have Executive Director.

The Governor, the Presiding Officer of the Senate, and the Speaker of the House shall appoint an Executive Director of the OSA, who shall be confirmed by the Senate. All three officers shall concur in the appointment. The appointment shall be for a term of six years. The Executive Director may be reappointed for successive terms. The Executive Director may be removed from office prior to the expiration of his or her term only if all three appointing officers concur in the removal. Compensation for the Executive Director shall be set by the Governor, but in no event more than 75 percent of the compensation of the State Superintendent of Education. Compensation of the Executive Director may not be reduced during his or her term of office. The Executive Director shall be subject to the Code of Ethics, Chapter 25 (commencing with Section 36-25-1) of Title 36, as amended from time to time.

§ 16-3C-3. Duties of Office of School Accountability.

The OSA shall have the following duties:

(1) To report annually to the Governor, the Legislature, the State Board of Education, the State Superintendent of Education, local superintendents, local boards of education, the public, and the media on the performance of Alabama's public school system.

(2) To periodically review whether the State Board of Education and the State Department of Education are properly and efficiently carrying out their functions, with the review to include the solicitation of comments and criticisms from local school personnel, and report on the performance to the Governor, the Legislature, the State Board of Education, the State Superintendent of Education, local superintendents, local boards of education, the public, and the media, making recommendations for change, if necessary.

(3) To provide oversight and review of school system activities, including, without limitation, examination of the need for, and validity of expenditures, and receive and consider complaints from the public regarding allegations of inadequacy or inequity at the school or school system level.

(4) To monitor and review expenditures at the local and state level

for capital improvements undertaken for educational or school-related purposes.

(5) To conduct public hearings on the status of education in the State of Alabama.

(6) To recommend to the Legislature or to the appropriate school authorities any additions or changes needed to reform Alabama's public school system.

(7) To take appropriate action designed to correct, or to seek correction from appropriate authorities, of deficiencies in Alabama's public schools.

Section 16-3C-4. Legislative Oversight Committee on Education Reform created.

The Legislative Oversight Committee on Education Reform is created. The committee shall be composed of every member of the Senate Education Committee and every member of the House of Representatives Education Committee. Prior to the next legislative term, the Chair of the Senate Education Committee and the Chair of the House of Representatives Education Committee shall act as Chair of the Legislative Oversight Committee on Education Reform an equal amount of time. Commencing with the next legislative term and each quadrennium thereafter, the Chair of the Senate Education Committee shall chair the Legislative Oversight Committee on Education Reform for the first two years of the legislative term and the Chair of the House of Representatives Education Committee shall act as Chair during the last two years of the legislative term. The members of the Legislative Oversight Committee on Education Reform shall be entitled to regular legislative compensation, per diem, and travel expenses for each day of attendance at a meeting of the committee. Payments shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the Chair. Members shall not receive additional compensation or per diem when the Legislature is in session or when being paid any other payments on the same dates for attendance of other state business. The committee shall review the actions of the Office of School Accountability and shall offer advice to the office as it deems appropriate.

Section 11. Chapter 8A is added to the Code of Alabama 1975, to read as follows:

**CHAPTER 8A.
LOCAL BOARDS OF EDUCATION
ARTICLE 1
GENERAL PROVISIONS**

§ 16-8A-1. County boards of education and city boards of education deemed local boards of education.

For purposes of this title, county boards of education and city boards of education are deemed local boards of education.

§ 16-8A-2. Powers of local boards of education.

A local board of education shall have the power to: (1) Acquire, purchase by the institution of condemnation proceedings if necessary, lease, receive, hold, transmit, and convey the title to real and personal property for school purposes.

(2) Sue and contract. Notwithstanding the foregoing, no contract shall be made until resolutions approving the execution thereof have been duly adopted by the local board of education and noted in its minutes. Process shall be executed by service on the local superintendent.

(3) Establish and maintain, or aid in establishing and maintaining, special schools, including, without limitation, magnet schools and alternative schools.

(4) Enter into cooperative agreements, projects, and programs with the governing body of any county or city.

(5) Provide for the transportation of employees of the board to and from schools along with pupils on established pupil transportation route schedules where such transportation can be provided without extra mileage or the overcrowding of school buses or other vehicles. The local board of education shall not be liable for any damage which may occur to the employees.

(6) Do all other things necessary and proper for the administration, control, and supervision of public schools within its district.

§ 16-8A-3. Organization and meetings.

Each local board of education shall hold an annual meeting at which the board shall elect one of its members to serve as president and one to serve as vice-president. Each local board shall hold at least five additional

regular meetings during the school year. One of the meetings shall be for the purpose of giving the public an opportunity of presenting to the board any matter relating to the administration of the public schools of the district. Each local board of education may hold other meetings at such times and places as the duties and business of the board may require. Public notice by publication shall be given of each meeting. The rules generally adopted by deliberative bodies for their government shall be observed by the board. No motion or resolution shall be declared adopted without the concurrence of the majority of the whole board.

§ 16-8A-4. Duties of local boards of education.

Subject to the provisions of Chapter 10A of this title, each local school board shall be responsible for the general administration, supervision, and control of the public schools and shall maintain a uniform and effective system of public schools in its district, and more specifically shall:

(1) Consult and advise through the superintendent with school councils, principals, teachers, students, and interested citizens in its district.

(2) Upon the written recommendation of the local superintendent, determine and establish a written educational policy for the district and prescribe rules and regulations for the conduct and management of the schools in the district. Before adopting any written policies, the board shall directly, or indirectly through the superintendent, consult with the professional organization representing the majority of the certificated and noncertificated employees and in addition shall also consult with school councils, professional assistants, principals, teachers, and interested citizens.

(3) Upon the adoption by the local board of any written policies, rules or regulations pursuant to subsection (b), furnish copies of the policies, rules, or regulations within 20 days thereafter to all teachers or other board employees affected by the policy, rule, or regulation.

(4) Upon the recommendation of the superintendent, prescribe the conditions upon which pupils in a school may be admitted to a school of a higher grade level, consistent with standards adopted by the State Board of Education.

(5) Subject to the rules and regulations of the State Board of Education, cause to be taken, under the direction of the local superintendent of education, a quadrennial school census of the children in the district between the ages of six to 19, inclusive.

(6) Upon the recommendation of the local superintendent, appoint,

set the compensation for, and provide for the payment of a sufficient number of enumerators to take the census of the district during the month of July or at such other time as the State Superintendent of Education directs.

(7) Upon the recommendation of the superintendent, arrange the local district into one or more appropriate and convenient compulsory school attendance districts, keep full and complete records of the boundaries of the districts, and enforce the compulsory attendance law.

(8) Make all reports required by the State Board of Education and the Office of School Accountability at such time, upon such matters, and in such form as may be prescribed by the State Board of Education and the Office of School Accountability, respectively.

(9) Establish and maintain within the system of public schools kindergartens and playgrounds.

(10) Prescribe the forms of reports required of school councils and all employees of the local board.

(11) Provide for and maintain casualty insurance for every school building whose title is vested in the state, county, or school district at the insurable value for each such building.

(12) Provide and maintain sanitary, hygienic, suitable and convenient rest rooms, adequately stocked with appropriate supplies, in each public school, with not less than two rest rooms for each school or building when both sexes are in attendance, and with separate means of access to each.

§ 16-8A-5. Property.

All property real, personal and mixed now held or hereafter acquired for public school purposes in a local school district shall be held in trust by the local board of education for the use of the public schools of the district.

§ 16-8A-6. Custodian of funds.

The local school board shall appoint a qualified person to be custodian of the funds of the local school board. The custodian shall give bond with a surety company authorized to do business in Alabama in an amount set by the local board of education as approved by the State Superintendent of Education. A certified copy of the bond shall be filed by the local board of education with the state superintendent. The custodian shall (1) receive and take charge of all moneys to which the local board of education may be

entitled by law or which may come into its possession for public school purposes, (2) pay out the moneys, but only on written order of the local superintendent of education, approved by the chair of the local board of education, (3) keep an accurate record of all receipts and expenditures, and (4) make such reports as may be required by law, by the local board of education or by rules and regulations of the State Board of Education. The records and accounts of the custodian shall be audited as early as possible after July first of each year, and the audit report may be published.

§ 16-8A-7. Annual report published.

The local board of education shall publish annually in the month of October in a newspaper of general circulation in the local board's jurisdiction (1) a full and complete statement of its receipts by source and disbursements by function for the 12 months' period ending September 30 in such form as is required by the State Superintendent of Education at the same time it forwards the statement to the State Superintendent of Education and (2) a statement of the outstanding indebtedness of the board of education as of September 30, which statement must show a. the schedule by years for retiring said indebtedness, b. separate figures for funded indebtedness, and unfunded indebtedness, and c. the resources available to pay any unfunded indebtedness. The local board of education may also prepare and publish annually in sufficient quantities for distribution in its jurisdiction a report covering the condition, current accomplishments, and needs for the improvement of the schools. The refusal or negligent failure of any member of the local board of education to comply with this section shall constitute a misdemeanor, and the State Superintendent of Education shall withhold the payment of public school funds until the local board complies with this section.

§ 16-8A-8. Authority for risk management cooperative.

(a) DEFINITIONS. For the purpose of this section, the following terms shall have the meanings subscribed to them by this section:

(1) MEMBER BOARDS OF EDUCATION. A city board of education, county board of education, Department of Youth Services School District, Alabama Institute for Deaf and Blind, State Board of Education, or other public education governing board which elects to pool its resources and funds with one or more other boards of education for the purpose of forming a risk management cooperative.

(2) RISK MANAGEMENT COOPERATIVE. An entity or entities, to be formed by local boards of education in any combination of 25 or more for the purpose of pooling resources and funds to jointly purchase

insurance or to self-insure boards of education and their members and employees against risks.

(b) Boards of education in any combination of 25 or more may establish a risk management cooperative for the purpose of pooling resources and funds to provide risk management alternatives for each member board of education and other named insureds. Member boards of education may appropriate necessary funds to the risk management cooperative created hereunder.

(c) Each risk management cooperative established under this section shall establish a governing body of trustees; establish bylaws for the governing of the group; enter into contracts with member boards of education; establish a schedule of benefits payable; establish a schedule of charges to be collected from member boards of education for benefits provided; enter into contracts with solvent insurers to provide excess coverage; enter into management and consultant contracts as it deems appropriate; hire attorneys and employees; and, exercise powers and authority incident to the purposes of this section.

(d) Each risk management cooperative established under this section shall file with the Commissioner of Insurance a copy of its bylaws and schedule of benefits and charges. Each risk management cooperative shall also annually file with the Commissioner of Insurance a certified financial audit.

(e) Any insurance, excess insurance, or both purchased by each risk management cooperative established under this section shall only be procured from sources meeting the requirements of the Department of Insurance of the State of Alabama or federal Risk Retention Amendments of 1986, or both. Copies of insurance contracts, if any, purchased by each risk management cooperative shall be filed annually with the Commissioner of Insurance.

(f) Each risk management cooperative established under this section shall specifically be exempt from the payment of any insurance premium tax levied by the Department of Insurance on premiums or charges collected.

(g) This section is not intended and shall not be construed to subject any board of education to liability for tort claims where liability therefor does not already exist by law.

(h) No risk management cooperative nor the trustees, employees,

or agents thereof, shall be subject to suit by any third party on account of a claim against a member of a board of education. It shall incur no liability to any party other than that authorized and contracted for under this section. Notwithstanding the foregoing, this section shall not prohibit an action for fraud brought directly against a risk management cooperative or its agents.

(i) No risk management cooperative established under this section shall provide coverage or benefits as authorized under the Public Education Employees' Health Insurance Plan or the State Insurance Fund.

§ 16-8A-9. Appointment and removal of employees.

Subject to Chapter 10A of this title, each local board of education shall appoint, upon the written recommendation of the local superintendent, all principals, teachers, clerical, and professional assistants authorized by the board. The local board may suspend or dismiss for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty, or whenever, in the opinion of the board, the best interests of the school require it, superintendents, principals, teachers, or any other employees or appointees of the board, subject to Chapters 10A and 24B.

Other provisions of this act notwithstanding, the superintendent shall have the right to suspend any employee, whether tenured or nontenured, without pay for a period not to exceed 10 working days per school year. To initiate such suspension, the superintendent must provide the employee written notice of the reasons for the suspension. The employee shall have three working days to notify the superintendent in writing why the proposed suspension should not occur and shall have the right within that time period to personally appear, with or without a representative, before the superintendent. If the superintendent thereafter suspends the employee, the employee shall have the right to file a written appeal of the suspension to the employing board within three working days, which appeal shall stay the suspension pending final review and determination by the employing board. The board's decision shall be final, subject to such judicial review as may otherwise be provided by law. Nothing in this section shall be construed as preventing the right to suspend pending a hearing on a proposed contract cancellation; provided, however, that in cases involving moral turpitude, an employee may be suspended without pay in accordance with due process of law.

§ 16-8A-10. Full-time employment of teachers.

Nothing shall be construed as preventing a local board of education from contracting with teachers and other employees for a longer period of time than that actually devoted to teaching or the conduct of the schools

while actually in session. No teacher or employee shall be entitled to receive any payment from public funds unless his or her time has been employed as required by the contract of employment and unless all current records for which the teacher or employee is responsible shall have been kept with care and accuracy, and no teacher or employee of the board may receive any payment from public funds unless all records and reports required by the State Superintendent of Education or local board of education shall have been properly made and submitted.

§ 16-8A-11. Vacations and leaves of absence.

Each local board of education may, under rules and regulations as may be promulgated from time to time by the State Board of Education, provide for leaves of absence and vacations by the employees of the boards and for the payment from public funds to the employees of the boards for leaves of absence and vacations. The boards may provide leaves of absence during the times the schools are not in session for teachers and employees on full pay when the teacher or employee devotes the leave of absence to instructing in or attending schools for teacher training or in a manner approved by the State Board of Education as beneficial to the educational work of the district; and may provide for the payment of any full-time teachers for absences during the time schools are in session where the absence results from sickness or some other unavoidable cause which prevents the teacher from discharging his or her duties. Any teacher not utilizing or being paid for the sick leave accrued in any one year pursuant to regulations of the State Department of Education may accumulate days at the rate of one day per month for the months employed and carry over the unutilized days to the next consecutive year or years of employment for the same school system, or for any other school system in which the educator may later be employed, until he or she accumulates a maximum of 180 days. Pay for absences resulting from unavoidable causes other than sickness may not be allowed for a longer time than one week during any one year. The allowance of any such pay shall at all times be in the discretion of the local board of education.

§ 16-8A-12. Personal leave for teachers during time schools are in session; reimbursement for unused personal leave.

Any local board of education may grant to any teacher within its school system personal leave of up to five days annually noncumulative, during the time schools are in session. The board shall enact policies providing for uniform administration of personal leave, and shall determine whether the leave is to be with part pay, full pay, or without pay, except that any approved leave for which the State Education Budget includes funding shall be with pay. It is further provided that personal leave shall be reim-

bursed to the teacher at the end of the school year at the same daily rate as is paid to substitute teachers for each day of personal leave not taken by a teacher. No teacher, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting such leave.

§ 16-8A-13. Personal leave for support personnel.

(a) When used in this section, the following terms shall have the following meanings:

(1) **LOCAL BOARD.** The governing board of all public county school systems and all public city school systems.

(2) **SUPPORT PERSONNEL OR EMPLOYEE.** Maid, custodian, adult bus driver, lunchroom or cafeteria worker, secretary, clerk, clerical assistant, maintenance worker, or other noncertificated employee who works an average of 20 hours weekly and who is not otherwise covered by the State Merit System or Teacher Tenure Law.

(b) Each local board shall grant two days of personal leave with pay to its support personnel during the time schools are in session. Additional days may be granted by the local board. No employee, as a condition to receive personal leave, shall be required to divulge his or her reasons for requesting the leave. The board shall enact policies providing for uniform administration of personal leave.

§ 16-8A-14. Appointment, duties, and bond of superintendent as secretary of board.

The local board of education shall designate as its executive officer the local superintendent of education holding the office pursuant to Chapter 9A of this title. The local superintendent shall also be the secretary of the county board of education. As secretary he or she shall conduct all correspondence of the board, keep and preserve all of its records, receive all reports required by the board, and see that the reports are in proper form, complete, and accurate. He or she shall have the right to advise on any question under consideration by the board, but shall have no vote. In case the office of the local superintendent of education is temporarily vacant, or when the local superintendent of education is absent by reason of the nature of business in hand, or otherwise, the board shall appoint one of its members to act as interim secretary. The bond of the local superintendent of education shall be responsible for the faithful performance of duties by the member of the local board of education appointed to act as secretary in the absence of the local superintendent.

ARTICLE 2.
ELECTION AND COMPENSATION OF MEMBERS
OF COUNTY BOARDS OF EDUCATION.

§ 16-8A-15. Composition; election; single member election districts; qualifications.

(a) The county board of education shall be composed of five members, who shall be elected by the qualified electors of the county.

(b) County boards of education, unless otherwise provided by law, may use the provisions of this subsection to establish single member election districts with one board member elected from each district. School boards exercising this option may establish five or seven districts. The plan shall be considered only after two weeks public notice has been given, outlining generally the school districts under consideration. Any member elected shall have been a resident of the district in which election is sought at least one year before the general election at which the candidate is elected. The boundaries of the single member districts shall be determined by a majority vote of the county board of education. The county board of education shall apportion the districts according to the last federal decennial census for the county utilizing the principle of equal representation. Thereafter, each county board of education choosing to implement single member election districts shall reapportion those districts within six months following the publication of the results of each federal decennial census. No member of the county board of education shall be an employee of the board. Members shall not be required to hold teachers' certificates.

§ 16-8A-16. When members elected; terms of office; oath of office.

At the general election of state and county officers, a member or members shall be elected for terms of six years to succeed the member or members whose term or terms of office expire at that time. The members of the county board of education shall hold office until their successors have been elected and qualified. Before exercising any authority or performing any duties as a member of the county board of education, each member thereof shall qualify by taking and subscribing to the oath of office prescribed by Article XVI of the Constitution of Alabama of 1901, the certificate whereof shall be filed in the office of the judge of probate of the county.

§ 16-8A-18. Vacancies.

In the event a vacancy occurs in the office of members of the county board of education, the vacancy shall be filled by appointment by a majority of the remaining members of the county board of education, and the

appointee shall hold office for the unexpired term. In the event the vacancy is not filled by the remaining members of the county board within 30 days, the State Superintendent of Education shall fill the vacancy by appointment. The county superintendent of education shall notify the State Superintendent of Education when a vacancy in the office of a member of the county board of education has not been filled within 30 days.

ARTICLE 3.
PROVISIONS REGARDING CITY BOARDS OF EDUCATION.

§ 16-8A-19. "City" defined.

A "city" within the meaning of this title shall include all incorporated municipalities with populations of 5,000 or more, according to the last or any succeeding federal census, or according to the last or any succeeding census taken under Sections 11-47-90 to 11-47-95, inclusive.

§ 16-8A-20. Composition, qualifications, and compensation of members.

(a) The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of the city, and who are not members of the governing board of the city.

(b) The members of a city board of education shall, except as hereinafter provided, serve without compensation.

(c) Any city or town which has had the general administration and supervision of the public schools and educational interests of the city or town vested in a city board of education for a period of 20 years or more prior to August 15, 1951, may, if it elects, and except as may be provided by law, continue to have general administration and supervision of the public schools and educational interest under a local board of education regardless of any past or future federal census.

§ 16-8A-21. Election; terms of office; vacancies.

Except for cities that have elected by local legislation to elect city boards of education or who may by local legislation choose to elect city board members the following shall apply. At the regular meetings of the city council or commission in April, the council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. Members of the city board of education shall assume office at the next meeting of the city board of education fol-

lowing their appointment. The terms of office of members of the city board of education shall be five years, and the term of one member shall expire annually. In the event of a vacancy in the membership of the city board of education by resignation or otherwise, the fact shall be reported to the city council or commission by the board, and the council or commission shall elect a person to fill the vacancy for the unexpired term.

§ 16-8A-22. Board selection procedure in Class 5 municipalities.

The governing body of any Class 5 municipality may, by resolution, provide for the appointment of the city board of education from districts corresponding to the city governing body districts and the manner of appointment, the appointment of one member from the city at-large by the mayor, and the length of terms of the board members.

§ 16-8A-23. Indebtedness where county unit system adopted.

Whenever the control and administration of education matters affecting a municipality having a city board of education is transferred to or for any reason becomes vested in the county board of education, the existing indebtedness created prior to the transfer and the rights to collect the indebtedness shall not be impaired.

§ 16-8A-24. Bond issues.

If for any reason the current income of the city board of education is inadequate to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the city, the city board of education, on the recommendation of the city superintendent of schools, shall petition the city council or commission to call an election for the issuance of bonds on the credit of the city in an amount sufficient to provide ample, appropriate, and suitable grounds, buildings, and equipment for all the needed schools of the city, subject to the limitations set out in the Constitution of Alabama of 1901, and the city governing body shall call the election at the time requested in the petition.

ARTICLE 4.
CONSOLIDATION AND DECONSOLIDATION OF DISTRICTS.

§ 16-8A-25. The local board of education may, consistent with criteria developed by the State Board of Education pursuant to Section 16-3A-7, consolidate or deconsolidate schools wherever in its judgment it is practicable, and arrange, if necessary, for the transportation of pupils to and from consolidated or deconsolidated schools, subject to this title.

§ 16-8A-26. Consolidation of schools - In two counties - Authority.

The county boards of two or more adjoining counties may, by resolution spread upon the minutes of the county boards of education in the adjoining counties, form a consolidated school to be composed of the territory bounded by the limits of each county by the county boards of education in the resolution.

§ 16-8A-27. Consolidation of schools - In two counties - Control.

The government and control of any school in the consolidated territory lying within two counties formed in accordance with the resolution of the boards shall be vested in the county board of education of the county in which the school building is located or is to be located, unless otherwise provided by agreement between the boards of education of the counties concerned.

§ 16-8A-28. Consolidation of schools - In two counties - Apportionment of funds.

The county boards of education of the counties which have formed a consolidated school composed of territory lying within different counties shall apportion funds to the consolidated school or schools in the same manner as to any other school in the county. The funds apportioned to a consolidated school shall be paid over to the custodian of school funds of the county in which the school building is located or is to be located.

§ 16-8A-29. Consolidation of schools - County and city systems.

(a) Whenever a county board of education and the city board or boards of education in the county deem it advisable to consolidate the administration of their respective systems under the county board of education and reach an agreement to that effect through resolutions adopted by and recorded in the minutes of each board, which agreement shall provide for the payment of their respective indebtedness, the consolidation shall be made to become effective at the time designated in the resolutions providing for the consolidation. If within 30 days after the adoption of the resolutions, 25 percent of the qualified electors of the territory covered by either of the school systems concerned shall submit a protest in writing, the consolidation procedure shall be as follows:

(1) Request for referendum. The boards concerned shall adopt resolutions asking for a referendum on the proposed consolidation. The chair of each board shall certify to the judge of probate a copy of the agreement and of the resolution adopted by the board.

(2) Order of election. Upon receipt by the judge of probate of certified copies of the adopted agreement and resolutions, the judge of probate shall present them to the county commission, which shall order elections to be held simultaneously in the territories concerned and at the time requested by the boards, to determine whether or not the school system of the county and the school system or systems of the city or cities shall be administered by the county board of education.

(3) Notice of election. At least 30 days before the elections are held, the sheriff shall give notice of the time and the purpose of the elections by publication in some newspaper in the county, if any is published therein and, if not, by writing posted at the courthouse and at three other public places in each school system concerned.

(4) Appointment, compensation, and duties of election officers. The officers of the elections shall be appointed, the elections shall be held, and the results shall be declared as in regular elections for county or city officers. The elections may be held at the time of any regular election and, in that event, the officers of the general election shall serve without extra compensation. If the elections are held at a time other than that fixed for a regular election, the officers shall receive the same pay for a general election.

(5) Ballots for election. The ballots shall contain a clear statement of the purpose of the election and, in plain type and on different lines, the words "For Consolidation" and "Against Consolidation." The voter favoring the proposed consolidation shall so indicate on the ballot by marking appropriately the words "For Consolidation," and the voter not in favor of the proposed consolidation shall so indicate on the ballot by marking appropriately the words "Against Consolidation."

(6) Who may vote; result of election. All qualified electors residing in the territories concerned shall have the right to vote and, if a majority of the qualified electors voting in the combined territories concerned shall vote in favor of the consolidation, the city board or boards of education shall stand abolished and thereafter the schools of the county and the schools of the city or cities involved shall be administered by the county board of education.

(b) The consolidation shall not operate to relieve any board of education, or other governing body, of liability for obligations previously incurred, or to impair rights existing prior to the consolidation. On the contrary, the agreement as to indebtedness shall be binding on both the county board of education and the city or cities board or boards of education whose school systems are consolidated. In the event of a consolidation,

the county board of education shall have the right to compel the execution of contractual obligations made to either of the boards prior to consolidation.

§ 16-8A-30. Joint maintenance of schools - Between counties; attendance by pupils near county lines.

The county boards of education of two or more counties may provide jointly for the maintenance of schools in or near the dividing line of the counties on the basis of the enrollment in the school from the counties represented. Each pupil who lives within five miles of a county boundary line shall attend the school nearest to his or her residence. The administration and supervision of the school shall be placed under one of the county boards of education of the counties by agreement between the county boards of education, and if no agreement as to administration and supervision is made, it shall be under the board of education of the county in which the school-house is located.

§ 16-8A-31. Joint maintenance of schools - State-line schools.

When a county board of education desires to provide for the joint maintenance of a public school by a county in this state and an adjoining county in another state, the board shall ascertain what agreement with the authority having power to bind the county in the other state may be secured for the joint maintenance, and if the county board deems the conditions of the agreement mutually advantageous, it shall certify the facts to the State Superintendent of Education. The State Superintendent of Education shall investigate and, if he or she deems the proposed arrangement advantageous, shall approve the joint maintenance. The approval shall authorize the joint maintenance of the state-line schools.

§ 16-8A-32. Annexing to city territory embracing schools - Retention of control pending agreements.

When any part of the territory embracing a school under the supervision and control of the county board of education is annexed to a city having a city board of education by extension of the corporate limits of the city, the county board of education shall retain supervision and control of the school and for school purposes shall retain the same control of the territory and revenues which it exercised prior to the annexation, for the purpose of using and devoting the school to the benefit of all children who were or would be entitled to the use and benefit of the school so long as it was a county school, until an agreement has been made between the county board of education and the city board of education, and the city council or commission or other governing body of the city to which the territory was an-

nexed, with reference to the matter of existing indebtedness and of providing the same or equivalent school facilities for the children in that part of the territory in the school district or districts not annexed or made a part of such city.

§ 16-8A-33. Annexing to city territory embracing schools - When arbitration of agreement required; appointment of board of arbitration.

If an agreement under Section 16-8A-32 is not reached within 30 days after the annexation, wherever such annexation occurs in any county having a population of less than 400,000 according to the last or any succeeding federal census, or within three years after the annexation if the annexation occurs in a county having a population of 400,000 or more according to the last or any succeeding federal census, it shall then be mandatory to refer the final disposition of the matter to arbitration by a board consisting of three members, one to be selected by the county board of education, one to be selected by the city board of education, and the third member to be selected by these two members. If the two members are unable to agree upon the third member of the board of arbitration, the State Superintendent of Education shall appoint the third member.

§ 16-8A-34. Annexing to city territory embracing schools - Hearing by board of arbitration.

The board of arbitration shall secure all facts available relative to the matter, hold a public hearing for the purpose of giving an opportunity for every contention to be presented by both evidence and argument and determine all matters relative to the transfer of the control, existing indebtedness, and use of such school. The findings of a majority of said board of arbitration shall be binding on all concerned.

Section 12. Chapter 9A is added to the Code of Alabama 1975, to read as follows:

CHAPTER 9A.
LOCAL SUPERINTENDENTS OF EDUCATION
ARTICLE 1.
GENERAL PROVISIONS.

§ 16-9A-1. County superintendents of education and city superintendents of schools deemed local superintendents of education.

For purposes of this title, county superintendents of education and city superintendents of education or city superintendents of schools are deemed local superintendents of education.

§ 16-9A-2. Qualifications of local superintendents.

(a) The local superintendent of education shall be chosen for his or her general fitness and character and shall be a person of recognized ability as a school administrator. No person shall be eligible for appointment by any local board of education or for any political party nomination, or for election to the office of county superintendent of education, if applicable, unless such person:

(1) Holds an Alabama certificate in administration and supervision based upon requirements established by the State Board of Education for that certificate.

(2) Has had not less than five years of experience in public school work at the time he or she assumes office.

(3) Submits proof to the State Superintendent of Education of three years of successful educational experience as a teacher, principal, supervisor, superintendent, educational administrator, or instructor in school administration during the five years next preceding his or her appointment or election.

(4) Submits proof to the local board of education that he or she holds a degree from a recognized four-year college or university.

(5) If the person is to be appointed by the local board of education, submits proof to the local board that he or she is knowledgeable in school administration.

(b) A local superintendent of education need not be a resident or qualified elector of the county in which he or she is to serve. In every county where the county superintendent of education is elected by popular vote, he or she shall be nominated and elected in the same manner as other county officers are nominated and elected under the state election laws.

§ 16-9A-3. Duties of local superintendents.

Each local superintendent shall enforce the laws, regulations, and rules relating to the public schools. Subject to Chapter 10A of this title, each local superintendent shall:

(1) Recommend for approval and adoption by the local board of education the kind, grade, and location of schools to be established and maintained and the compulsory school attendance districts to be established.

(2) Recommend for approval and adoption by the local board of education educational policies to promote the educational interests of the district and rules and regulations for the conduct of the schools.

(3) As executive officer of the local board of education, advise with principals, teachers, attendance officers, school councils, and other interested citizens and shall in every way seek to foster learning in the public schools.

(4) Recommend a building program, including necessary construction, repair, maintenance, replacement and condemnation of buildings, adequate to the present and future needs of the district.

(5) Approve in writing all contracts of whatever kind entered into by the local board of education.

(6) Prepare and submit for approval and adoption by the county board of education rules and regulations governing the conditions under which children may be admitted to schools of a higher grade level.

(7) Make recommendations for the consolidation or deconsolidation of schools consistent with criteria developed by the State Board of Education pursuant to Section 16-3A-7, and submit the recommendations for approval and adoption by the local board of education.

(8) Nominate in writing for appointment by the local board of education all principals, teachers, and all other regular employees of the board and assign them to their positions, transfer them as the needs of the schools require, recommend them for promotion, suspend them for cause and recommend them for dismissal, subject to Chapter 24B. All persons nominated for teaching or supervising positions shall hold certificates issued by the State Board of Education.

(9) Visit the schools, observe the management and instruction, and give suggestions for the improvement of the school.

(10) Prepare forms on which school councils and board employees shall make reports required by the local board of education and submit the reports for approval and adoption by the board.

(11) Prepare, in accordance with the direction of the local board of education, the annual statement of receipts and disbursements that is required to be published and other reports as the local board of education may require. The refusal or negligent failure of the local superintendent to comply with this subsection shall constitute a misdemeanor.

(12) Direct the taking of the quadrennial school census pursuant to applicable rules and regulations.

(13) Ensure that the laws requiring school attendance are enforced.

(14) Prepare, or cause to be prepared, and submit to the local board of education for adoption, all reports required of the local board of education by the State Superintendent of Education and the Office of School Accountability.

(15) On or before the first day of November of each year, forward to the State Superintendent of Education an annual report of the public schools of the district for the preceding year. In the event any local superintendent fails to make and forward to the State Superintendent of Education any report required under this chapter within 10 days after the time it should be made, he or she shall be liable to impeachment, if elected, or subject to termination, if appointed, and the resolution of the State Board of Education duly adopted setting forth the failure shall be prima facie evidence of the fact. The books, accounts, and vouchers of the local superintendent of education may be examined at any time by the State Superintendent of Education in person or by his or her duly authorized agent.

(16) At such times and in such manner as directed by the local board of education and approved by the State Superintendent of Education, prepare the payroll for the payment of employees, bills, and other items as authorized by the local board of education. No money shall be paid on any payroll unless the local superintendent of education certifies in writing that the payroll is correct and should be paid and unless the chair of the local board of education endorses on the payroll an order that it be paid.

(17) Decide, without expense to the parties concerned, all controversies and disputes involving the rules and regulations of the local board of education and proper administration of the public schools.

(18) Do all other things necessary and proper for the administration of the schools of the district.

Section 16-9A-4. Power to examine under oath.

The local superintendent may administer oaths and examine witnesses under oath in any part of the county on any matter pertaining to the public schools of the district, and to cause the examination to be reduced to writing.

§ 16-9A-5. Employment of assistants; offices; equipment.

Each local board of education shall, upon the recommendation of the local superintendent, employ such professional, clerical, accounting, and statistical assistants as, in the judgment of the board, are necessary. The county superintendent is required to maintain an office at the county seat. The county commission shall provide the county superintendent of education and his or her professional and clerical assistants with ample, convenient, and comfortable office quarters. The county commission shall also provide necessary furniture, office equipment, stationery, postage, forms, and supplies required by the county superintendent of education and his or her assistants.

§ 16-9A-6. Bond of superintendent.

The local board of education shall fix and approve the official bond of the local superintendent of education, which shall be in a sum not less than three thousand dollars (\$3,000).

§ 16-9A-7. Certificate of administration and supervision.

Any person possessing the qualifications prescribed by law for a certificate of administration and supervision required as a qualification of a local superintendent of education may have a certificate signed by the State Superintendent of Education showing the qualifications upon application as prescribed by the State Board of Education and the submission of satisfactory proof showing that he or she is entitled to the certificate.

**ARTICLE 2.
COUNTY SUPERINTENDENTS.**

§ 16-9A-8. Appointment or election of superintendent.

There shall be a county superintendent of education in each county of this state who shall act as the chief executive officer of the county board of education and who shall also be secretary of the county board of education. The county board of education of any county may appoint a county superintendent of education or a county superintendent of education may be elected by the qualified electors of the county as provided by Sections 16-9A-9 to 16-9A-15, inclusive.

§ 16-9A-9. Misdemeanor to print name of person without certificate on ballot; candidates.

Any person securing his or her name, or the name of another printed on a ballot as a candidate for, or nomination by a political party as a candidate for the office of county superintendent of education, without first hav-

ing filed with the judge of probate, as required by law, the certificate signed by the State Superintendent of Education that the person whose name is printed on the ballot holds a certificate of administration and supervision, and any officer permitting the printing on a ballot of the name of a person as a candidate for, or nomination by a political party as a candidate for the office of county superintendent of education when there has not been filed with the judge of probate the certificate shall be subject to a penalty of two hundred fifty dollars (\$250), recoverable in the name of the state for the use of any school board instituting an action therefor. Any resident of the county may institute an action for recovery for any school board of the county. Before any person becomes an applicant for employment by a county board of education, as county superintendent of education, and before any person qualifies for the nomination of a political party as a candidate for the office of county superintendent of education for a county in which the officer is elected by the qualified voters of the county, the person shall file with the judge of probate a certificate signed by the State Superintendent of Education that the person holds a certificate of administration and supervision as required by law prescribing the qualifications of a county superintendent of education. At the grand jury of the county assembled next after making of the affidavits, the record of the affidavits shall be submitted to the grand jury. In any prosecution for perjury under this section the record of the affidavit shall be admissible in evidence.

§ 16-9A-10. Nomination by political party.

Any political party may, in a county where the county superintendent is elected by a direct vote of the qualified electors, either nominate a candidate for the office or may certify to the judge of probate that the political party desires to leave the election of a county superintendent of education to the county board of education. Whenever any political party certifies that the political party desires to leave the selection of the officer to the county board of education, the judge of probate shall cause to be entered on the ballot where the names of the candidates, if nominated, would appear, the following: "For selection by the county board of education." The proposition shall appear on the ballot before the names of the candidates and be arranged so that the elector may express his or her choice for the proposition in the same manner as he or she expresses his or her choice for a candidate. Every qualified elector may vote for the selection by the county board of education or for any candidate for the office. In the event more votes are cast for selection by the county board of education than for any candidate, then the county board shall select the officer for the ensuing term. No elector shall be disqualified from participating in any party caucus, convention, or election because he or she voted for the proposition or selection by the county board of education even though his or her political party nominated a candidate for the position.

§ 16-9A-11. Primary election to nominate superintendent.

Whenever any political party holds a primary election for the nomination of candidates in counties where county superintendents are elected by a direct vote of the qualified electors and one or more persons qualify as candidates for nomination by the political party as candidate for county superintendent of education, there shall be entered on the ballot of the primary election with the names of the candidates for county superintendent of education the proposition: "For selection by the county board of education." The proposition shall appear on the ballot before the names of the candidates and be arranged so that the elector may express his or her choice for the proposition in the same manner as he or she expresses his or her choice for a candidate. If more votes are cast for selection by the county board of education than for any candidate, then the duly constituted authority of the political party holding the primary election shall certify to the judge of probate that the political party favors the selection of the county superintendent of education by the county board of education.

§ 16-9A-12. Instructions on ballot.

When a county superintendent is elected by a direct vote of the people, or nominated at a primary election, and the proposition of selection by the county board is also submitted at the election, there shall be printed instructions on the ballot of the election substantially as follows: "Vote either for selection by county board of education or for one candidate."

§ 16-9A-13. Taking office on July 1 following election; procedure where successful candidate dies or resigns prior to taking office.

In counties in which the county superintendent of education is elected by popular vote, the successful candidate shall take office on the July 1 following the date of his or her election. The incumbent shall continue to hold office until a successor is elected and qualified.

§ 16-9A-14. Term of office when county board selects superintendent.

Where the qualified electors of a county in which the county superintendent of education is elected by a direct vote of the people vote to leave the selection of the county superintendent to the county board of education, the county board of education may not appoint a county superintendent of education for a longer term than the ensuing term prescribed by the law relating to the county.

§ 16-9A-15. Full-time office; salary; traveling expenses.

The county superintendent of education shall devote his or her entire time to public school business. In counties in which the maximum salary of the county superintendent of education is not fixed by law, the county superintendent of education shall receive such compensation, including salary and travel expenses, as the county board of education shall direct. In counties where the superintendent of education is elected by a direct vote of the qualified electors, the salary for the office must be fixed prior to the beginning of the term of office. The boards of education in counties where the maximum salary of the superintendent of education is prescribed by law, may fix, approve, and authorize the payment of the traveling expenses annually incurred by the superintendent in the performance of his or her official duties within and without the county.

ARTICLE 3. CITY SUPERINTENDENTS.

§ 16-9A-16. Appointment, compensation, and removal.

The city board of education shall appoint a city superintendent of schools to hold office at the pleasure of the board. The city superintendent of schools shall receive compensation in an amount determined by the city board of education. The city board of education may remove the city superintendent of schools for incompetency, immorality, misconduct in office, willful neglect of duty or when, in the opinion of the board, the best interests of the schools require it. Any vacancy for any reason in the office of city superintendent shall be filled by appointment by the city board for a period of time as the city board may prescribe.

Section 13. Chapter 10A is added to Title 16, Code of Alabama 1975, to read as follows:

CHAPTER 10A. SCHOOL-BASED DECISION MAKING

§ 16-10A-1. Legislative intent.

The Legislature finds and determines that:

(1) The implementation of a system of school-based decision making will strengthen local control over schools and will link accountability with authority.

(2) The system should provide for the development of various models in order to meet the local needs and wishes of schools and school systems.

§ 16-10A-2. Establishment of program.

(a) Not later than March 1, 1995, the State Board of Education shall adopt regulations creating a program for school-based decision making in the public schools. The regulations shall establish at least five models for implementation of school-based decision making. Each model shall have a school council organized as provided in Sections 16-10A-3 and 16-10A-4. The models shall differ in the extent of powers and responsibilities conferred upon the school council. One model of school-based decision making shall provide for a school council with all powers and responsibilities available to a school council under Section 16-10A-5. The other models shall have such lesser powers and responsibilities as shall be prescribed by the regulations adopted by the State Board of Education. Three of the models shall be established upon the recommendation of the Alabama Association of School Administrators. The regulations shall also allow schools and school systems to develop additional models consistent with the intent of this chapter and the powers permitted by Section 16-10A-5. The program for school-based decision making shall be available for implementation beginning in the 1995-1996 school year.

(b) During a pilot period beginning with the 1995-1996 school year and ending at the close of the 2000-2001 school year, the program of school-based decision making shall be implemented (1) on a voluntary basis by local school boards pursuant to the pilot program conducted by the State Board of Education, as described in subsection (c), or (2) upon the election to implement the program at a school pursuant to subsection (d). The State Board of Education shall provide appropriate training for principals, teachers, and the school community before the program is implemented at a school.

(c) During the pilot period the State Board of Education shall conduct a volunteer implementation program in which at least 24 local school systems shall implement school-based decision making in at least one school within the system. The State Board of Education shall make every effort to ensure that the pilot schools are representative of the state's public school system. The pilot schools shall choose one of the models for implementation, provided that the State Board of Education shall make every effort to encourage the implementation of each model in at least four schools. Prior to the end of the 1996-1997 school year, and at two-year intervals thereafter during the pilot period, the State Board of Education shall conduct a study of the implementation of school-based decision making in the pilot schools, including the effect on student achievement and the experience gained from implementation of the various models, and shall provide a report on the study to each school system.

(d) During the pilot period any school may participate in school-based decision making after appropriate training if not less than 60 percent of the voting certificated school staff elect to implement the program at the school where the staff is located. The election procedure shall specify the proposed model to be implemented. All voting for school-based decision making shall be by secret ballot, and no school or school system shall subject the certificated staff to direct or indirect coercion to vote for or against school-based decision making. The regulations of the State Board of Education establishing the system of school-based decision making shall prescribe the procedures for voting contemplated by this section.

(e) Beginning in school year 2001-2002 (after the pilot period), each public school shall implement and maintain school-based decision making unless (1) a school has successfully met its performance standards under Section 16-3A-6 for two consecutive assessment periods and (2) the local school board and a majority of the certificated staff at the school concur that school-based decision making is not necessary or desirable for the school; provided, however, that if the school thereafter fails to meet its performance standards for two consecutive assessment periods, it shall implement school-based decision making.

(f) Each school implementing school-based decision making after school year 2000-2001, shall implement the model selected by a vote of a majority of the certificated staff at the school. The model may be changed by a majority vote of the certificated staff, but no such vote may be taken before the school has operated under the existing model for at least one year.

§ 16-10A-3. School councils.

(a) Each school at which school-based decision making is implemented shall be governed by a school council organized as provided in this section and Section 16-10A-4.

(b) A school council shall be composed of not less than seven nor more than 13 members, as determined by the local board of education, and shall include the principal of the school and an equal number of (1) school instructional staff and (2) parents with children enrolled at the school; provided, however, that a. no person may be elected to the school council for more than two consecutive terms and b. if no member of the school council has experience in special education, the principal shall appoint an additional member to the council with the consent of the school council, appoint an additional member to the council with experience in special education. Upon the request of any school council the local school board shall decrease or increase the number of members of a school council within the

limits imposed by this section; provided, however, that

(1) An additional member with experience in special education must, if necessary, be appointed as provided above, and

(2) The school council shall be composed of an odd number of members, excluding any member with experience in special education that is specially appointed as provided above.

If the number of school council members is decreased, the effective date of the decrease may not have the effect of depriving any existing council member of the remaining portion of his or her term.

(c) Members of the school council other than the principal and any person specially appointed for his or her experience in special education matters shall have staggered terms as follows. After the first election of school council members, the local superintendent shall divide the parent council members into two groups as nearly equal in size as possible. The first group shall have a term ending on April 1 of the next school year following the election. The second group shall have a term ending on April 1 of the second school year following the election. The process shall be repeated for instructional staff members. All council members elected thereafter shall have a two-year term.

(d) The principal shall be a member of the council until the principal's employment is terminated. The principal shall serve as chair of the council.

(e) Any member of the school council specially appointed for experience in special education matters shall have a term ending on April 1 of the next school year following the appointment.

(f) Parents on the school council shall be elected at a meeting of school parents called by the local school board upon not less than 30 days' notice to parents of all students at the school. The local school board shall request a list of nominees from the parent-teacher organization at the school or, if no such organization exists at the school, such other parent organization as shall be selected or developed by the local school board. The notice of the election shall include the list of nominees. The number of nominees shall be at least twice the number of parents to be elected. It shall not be necessary, however, for a parent to be nominated in order for that parent to be elected. The election shall be by secret ballot. Each parent attending the election meeting may cast votes equal to or less than the number of parents to be elected; provided, however, that no person may vote for the same parent more than one time. The parents receiving the greatest number of votes shall be elected.

(g) Instructional staff on the school council shall be elected at a meeting of instructional staff called by the local board of education upon not less than 30 days' notice to the instructional staff. The election shall be by secret ballot. Each member of the instructional staff attending the election meeting may cast votes equal to or less than the number of instructional staff to be elected; provided, however, that no person may vote for the same staff member more than one time. The staff members receiving the greatest number of votes shall be elected.

(h) A parent shall no longer be eligible to serve on the school council if he or she ceases to have a child enrolled at the school. An instructional staff member shall no longer be eligible to serve on the school council when he or she is no longer employed at the school. If a council member is no longer eligible, or resigns, or if a vacancy occurs for any other reason, a successor shall be elected for the remaining portion of the unexpired term at a special election held according to the provisions of subsections (f) or (g), as appropriate, within 45 days of the council's notice of such vacancy.

(i) All members elected to the school council shall successfully complete training for school-based decision making in a program approved by the State Department of Education prior to beginning service.

§ 16-10A-4. Organization, meeting, etc.

(a) The school council shall have regular meetings at least once each month according to a schedule adopted by the council and filed with the local board of education. A special meeting of the council may be called by the principal, or by any two members of the school council with the consent of the principal, upon two days' notice to all council members. It shall not be necessary for the principal to attend special meetings of the school council if the principal consented to the notice of the meeting. A copy of the notice of any special meeting shall be filed with the local board of education at least one day prior to such meeting.

(b) The local superintendent of education may attend any meeting of the school council and may participate in the discussions held at the meeting, but the local superintendent may not vote on matters considered by the council.

(c) The principal shall preside at meetings of the council; provided, however, that the council may elect one of its members to preside over meetings when the principal is absent. A principal may send a representative to any meeting of the school council that the principal does not attend, but the representative may not vote on matters considered by the council.

(d) A majority of the members of the school council shall constitute a quorum for the purpose of conducting business. No motion or resolution shall be declared adopted without the concurrence of the majority of the council.

(e) Members of the school council shall not be paid for serving on the school council. With the prior approval of the school council and local school board, members of the school council may be reimbursed for expenses incurred in the performance of their duties. All expenses incurred by the school council shall be expended from the budget for school-based expenditures.

(f) Meetings of the school council shall be subject to the open meeting requirements of Section 13A-14-2.

(g) Accurate minutes must be kept by the chair and approved by the council.

§ 16-10A-5. Powers and responsibilities of school councils and principals.

(a) Powers and responsibilities of school councils and principals. A school council organized pursuant to this chapter, and each principal at the school, may have some or all of the following powers and responsibilities, provided that at least one model of school-based decision making shall include a school council with all of these powers and responsibilities:

(1) School-based expenditures. The school council may be responsible for budgeting and approving all school-based expenditures and expenditure procedures. Not later than August 1 of each year each school council shall submit a proposed budget for its school-based expenditures for the following fiscal year to the local board of education. The budget for school-based expenditures shall not exceed the amount allocated to the school council for such purpose by the local school board pursuant to Section 16-10A-6(a)(2). School-based expenditures shall include a. the aggregate salary and benefits for school-based personnel (provided that the school council may not approve or budget the compensation for any individual member of the school-based personnel), b. the cost of curriculum and instructional materials, and any related activities, such as field trips, and c. the cost of professional development of school-based personnel.

(2) Selection of principal. The school council may participate in the selection of the principal for the school in accordance with the following procedures:

a. Whenever it is necessary to hire a principal, the local superintendent shall submit a list of qualified persons to the school council. If so requested by the school council, the local superintendent shall submit additional lists of qualified persons until the school council is able to make a recommendation.

b. The school council shall select a principal from the list of qualified persons to be recommended to the local superintendent. The school council may not specify the compensation or term of contract for the principal as part of its recommendation. The name of the person recommended shall be forwarded by the school council to the local superintendent, who shall, if he or she concurs in the recommendation, forward the recommendation to the local school board.

c. Upon the recommendation of the school council and the local superintendent of the local school board shall, if it concurs in the recommendation, hire the principal selected and shall enter into a contract of employment with such person that will incorporate the terms recommended by the local superintendent. If the local school board does not concur with the superintendent or the recommendation of the principal to be hired or the terms of employment, the local school board shall require the superintendent and school council to submit one or more recommendations using the procedure above until the board is able to concur with the recommendation. After three recommendations have been submitted by the school council and rejected by the local board of education, the superintendent may unilaterally make the recommendation to the school board for its approval.

d. The decision for renewal of a principal's contract shall be made by recommendation of the superintendent to the local school board. The superintendent may seek input from the school council.

e. The local superintendent shall have the responsibility for evaluating the principal in accordance with educator performance standards adopted pursuant to Section 16-23-16.2 and for reporting the evaluation to the local school board. The responsibility of the local superintendent for evaluating the principal and for reporting the evaluation to the local school board shall not be delegated by the superintendent to any other person or entity. The local superintendent shall solicit input from the school council in the course of the evaluation.

f. With the recommendation of the local superintendent, a principal may be disciplined and may be dismissed by the local school board prior to the end of his or her term for any reason consistent with the terms of the principal's employment contract and, where applicable, the requirements of Chapter 24B. The local superintendent may solicit input from the school

council prior to any such recommendation, provided that rights of the principal relating to privacy, due process and disclosure must be preserved.

g. Nothing contained in this section shall be construed to grant tenure to a principal hired pursuant to this section; provided, however, that principals hired prior to the effective date of this act shall retain their tenure to the extent provided by Chapters 22A and 24B.

(3) Selection of other school-based personnel. The school council may participate in the selection of other school-based personnel in accordance with the following procedure:

a. Whenever it is necessary to hire school-based personnel other than the principal, the local superintendent shall submit a list of qualified persons to the principal. If so requested by the principal, the local superintendent shall submit additional lists of qualified persons until the principal is able to make a recommendation.

b. The principal shall, with the approval of the school council, select a person to be recommended to the local superintendent. The school council shall approve the person to be recommended, but shall not approve the compensation or other contract terms of employment. The person selected for recommendation may be a person who is not on the list of qualified persons submitted by the local superintendent but who meets applicable state certification requirements. The name of the person recommended shall be forwarded by the principal to the local superintendent, who shall, if the superintendent concurs in the recommendation, in the case of individuals outside the list, forward the recommendations to the local school board.

c. Upon the recommendation of the principal and the local superintendent the local school board shall, if it concurs in the recommendation, hire the person recommended and shall enter into a contract of employment with such terms as shall be approved by the local superintendent and the principal.

d. The principal shall have the responsibility for evaluating all other school-based personnel according to educator performance standards adopted pursuant to Section 16-23-16.2 and reporting the evaluation to the local superintendent and school board. The responsibility of the principal for evaluating personnel and reporting the evaluation to the local superintendent and school board shall not be delegated by the principal to any other person or entity. The principal may solicit input from the school council in the course of the evaluation.

e. With the recommendation of the principal and the local super-

intendent, any school-based personnel may be disciplined and may be dismissed by the local school board in accordance with the terms of such person's employment contract and, where applicable, the requirements of Chapter 24B relating to tenure. The principal may solicit input from the school council prior to any such recommendation, provided that the rights of the person relating to privacy, due process, and disclosure must be preserved. If the local school board disagrees with the principal on any proposed disciplinary action or dismissal, the local school board may, with the recommendation of the superintendent, but without approval or concurrence by the principal, take or withhold such action as it deems appropriate in the circumstances.

f. Nothing contained in this section shall be construed to grant tenure to any person employed pursuant to this section except as required by Chapter 24B.

(4) Dismissal of other school-based personnel. If a local school board approves in advance the delegation of the power of dismissal to a principal in accordance with this subdivision, that principal may, without prior approval of the local superintendent or local school board, dismiss other school-based personnel, provided that a. any person dismissed by the principal pursuant to this subdivision may appeal to the local school board for reinstatement, and b. a person so dismissed who has tenure within the meaning of Chapter 24B shall be entitled to any hearing rights and other protection afforded by Chapter 24B.

(5) Establishment of curriculum and instructional policies and selection of instructional materials. The school council shall establish the curriculum and instructional policies for its school and shall select all instructional materials for the school. Textbooks shall be selected from the list of approved textbooks supplied by the State Board of Education. Decisions by the school council shall be consistent with school board policy where a council's decision affects more than its individual school.

(6) Use of non-instructional days. The school council shall determine the use of non-instructional days available for school-based instructional personnel pursuant to Section 16-22-11.

(7) Scheduling. The school council shall determine the school's schedule, subject to the following:

- a. The requirements of Sections 16-1-1 and 16-22-11.
- b. The availability of safe, reliable transportation for students.

c. The requirements of local board policy.

(8) Assignment of students within school. The principal, with the advice of the school council and in accordance with local board policy, shall determine the student assignments within the school.

(9) Assignment of teachers within school. The principal, with the advice of the school council, and in accordance with local board policy, shall make teacher assignments within the school. The superintendent shall have final authority for personnel assignments between schools within the school system.

(10) Use of school facilities. The school council shall approve all uses of facilities at its school in accordance with local board policy.

(11) Policies affecting learning environment. The school council shall be responsible for adopting and implementing policies designed to create a school environment that is safe, sanitary, free from prejudice, and conducive to learning; provided, however, that such policies must be consistent with the disciplinary code established by the local school board pursuant to Section 16-10A-6 and with other applicable state law.

(12) Bylaws and organizational rules. The school council shall have the authority to adopt such bylaws and other rules and regulations for the conduct of its business as it may determine necessary, subject to applicable requirements of state law and local board policy.

(b) School councils and principals may exercise the powers and carry out the responsibility conferred upon them pursuant to this chapter.

§ 16-10A-6. Powers and duties of local school boards and superintendents.

(a) Powers and responsibilities of local school board. The local board of education shall retain the following authority and responsibilities with respect to each school within its jurisdiction where school-based decision making has been implemented:

(1) System-based expenditures. The local school board shall be responsible for budgeting and approving all system-based expenditures. System-based expenditures shall include (i) salary and benefits for all personnel, (ii) capital improvements and repairs and maintenance to the buildings, equipment and other physical assets of the school system, (iii) debt service payments on warrants and other indebtedness incurred by the local school board with respect to the system, (iv) transportation expenditures,

(v) school lunches, (vi) all expenses with respect to schools within its system that have not implemented school-based decision making pursuant to this chapter, and (vii) all other expenses of public education within its system that are not designated as school-based expenditures to be budgeted and approved by a school council pursuant to Section 16-10A-5.

(2) Allocation of school-based expenditures. Not later than July 1 of each year or, if later, within 30 days of passage of an education budget by the Legislature, the local school board shall determine the amount of funds available to each school within its jurisdiction for the following fiscal year with respect to school-based expenditures and shall notify each school council of the amount so allocated to that council's school.

(3) Comprehensive system budget. The local school board shall prepare a comprehensive budget for its school system as required by Section 16-13-140. The budget shall include school-based and system-based expenditures but shall not alter school-based budgets adopted by the school council. School-based and system-based expenditures shall be subject to proration required by the Constitution of Alabama of 1901. The local school board shall solicit and consider requests from school councils within its jurisdiction with respect to system-based expenditures that affect each council's school, including without limitation any capital expenditures and repairs and maintenance that the school council considers necessary or desirable for the school buildings and equipment available to such council, but the local school board shall have the responsibility and authority for adoption of the final system budget.

(4) Custody and disbursement of school funds. The local school board and its custodian of public school funds shall retain custody of all public school funds; provided, however, that funds allocable to school-based expenditures at any school shall be disbursed only upon the approval of the principal.

(5) Purchasing and contracting. The local school board shall retain authority and responsibility for entering into all contracts and purchase orders, subject to the applicable requirements of state law, including any public bid requirements.

(6) Transportation. The local school board shall retain all responsibility for transportation of students attending schools within its jurisdiction; provided, however, that the local school board shall, when possible, establish transportation schedules that will accommodate schedules established by school councils within its system.

(7) Assignment of students to schools. The local school board

shall retain the responsibility for assigning students to schools within its system according to system-wide policies established by the local board for such purpose.

(8) Facilitation of school-based decision making. The local school boards and superintendents shall be responsible for (i) educating the public and school parents and training school staff regarding the school-based decision making to be implemented pursuant to this chapter, (ii) coordinating planning among schools within its system, (iii) identifying instructional practices and programs and technology uses that might enhance the instruction of students at schools within its system, (iv) providing information to school councils about professional development of school-based personnel, (v) identifying persons eligible for selection by school councils as principals, teachers and other school-based personnel, (vi) providing assistance to schools through learning resource teams, as established in Section 16-23-25, (vii) analyzing and disseminating information concerning performance of individual schools and the system as a whole, (viii) informing school councils of legal developments and requirements regarding the operation of their schools, and (ix) encouraging interagency collaboration and service at the school level.

(9) Hiring school-based personnel. The local school board shall retain the authority and responsibility for hiring and contracting with principals, teachers and other school-based personnel, subject to the power conferred upon school councils and principals pursuant to Section 16-10A-5 with respect to the selection of the personnel.

(10) Discipline and dismissal of school-based personnel. The local school board shall retain the authority and responsibility for discipline and dismissal of principals, teachers, and other school-based personnel, subject to (i) the power conferred upon school councils and principals pursuant to Section 16-10A-5 and (ii) requirements of state law, including particularly the requirements of Chapter 24B.

(11) Disciplinary Code. The local school board shall retain the responsibility for establishing a disciplinary code for its system that conforms with state law; provided, however, that the local school board shall solicit and consider recommendations about the disciplinary code from school councils within its system.

(12) General regulatory authority. The local school board shall adopt such rules and regulations regarding school-based decision making as it deems necessary to implement this chapter.

(13) System-wide policy. The school board may adopt system-

wide policies where such policies are necessary to meet the educational needs of the children and are required to provide coordination and articulation among and between schools in school systems. Board policies shall not interfere with reasonable decisions and actions of individual school councils.

(14) General reservation of authority. The local school board and superintendent shall retain all authority and responsibilities conferred upon them by the laws of Alabama, including rules and regulations of the State Board of Education, that have not been specifically assigned to the school council and principal pursuant to this chapter.

(b) Local school boards and superintendents may exercise the powers and carry out the responsibilities conferred upon them pursuant to this chapter.

§ 16-10A-7. Duties of State Department of Education.

The State Department of Education shall ensure that appropriate department personnel, local school board members and staff, and all school-level personnel in the state are properly trained in order to implement school-based decision making and shall have a continuing duty to provide guidance and support for the implementation of this chapter. When school-based decision making has been implemented at a school, the State Department of Education shall, to the extent possible, act with respect to such school as a service and coordinating institution.

§ 16-10A-8. School council members subject to Code of Ethics.

Members of the school council shall be subject to the Code of Ethics, Chapter 25, Title 36, as amended from time to time; provided, however, that members of the school council shall not, by virtue of their positions on the school council, be required to file a statement of economic interests with the State Ethics Commission.

Section 14. Section 16-21-1 of the Code of Alabama 1975, is amended to read as follows:

“§ 16-21-1.

“The county commission or board of education in any county or ~~the city council or board of education in any city, is hereby authorized to may appropriate funds to any public school under the control of the county board of education and to any county high school~~ for the purpose of establishing, maintaining, enlarging, or improving public libraries in ~~such the~~ schools.”

Section 15. Section 16-22-11 is added to the Code of Alabama 1975, to read as follows:

§ 16-22-11. Contract of employment with certified professionals; minimum number of instructional days; days to be used for in-service activities.

(a) Minimum instructional days. During scholastic year 1994-1995, the minimum number of instructional days for students in the public schools shall not be less than 178 days. For each scholastic year after 1994-1995, the minimum number of instructional days shall be 180 days.

(b) Contracts with certified professional employees. The contract of employment entered into by a local board of education with each certified professional employee shall be subject to the following conditions:

(1) Total contract days. The contract of employment shall not be less than 195 days in length.

(2) Minimum number of staff days. During the contract year for 1994-1995, the number of contract days designated as staff days shall not be less than 17 days. For each contract year after 1994-1995, the minimum number of staff days shall be 15 days. For purposes of this section, the term "staff day" shall mean a day in which a teacher is not providing instruction to students but is engaged in one of the following activities:

- a. Opening and closing activities of schools.
- b. Planning or preparation for instruction.
- c. Attending in-service or professional development programs.

At least one staff day each year shall be devoted to the opening activities of schools, and at least one staff day each year shall be devoted to the closing activities of schools.

Section 16. Chapter 22A is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 22A. PRINCIPALS.

§ 16-22A-1. Principals hired after effective date of this act.

Principals hired on or after the effective date of this act to work for

the first time in such capacity in a public school in Alabama shall:

(1) Not be eligible to attain tenure pursuant to Chapter 24B.

(2) Be hired pursuant to a contract for an initial term of not less than three years, and subsequent terms of not less than three nor more than five school years, which contract shall set forth the terms of employment, including grounds and procedures for dismissal.

(3) Receive a salary not less than the average salary for principals in the southeastern states, as determined by the State Board of Education, taking into account, among other relevant factors, the employee's educational achievement and experience and the size and location of the school in which the principal will serve.

§ 16-22A-2. Principals hired before effective date.

(a) Principals initially hired before the effective date of this act to work in such capacity in a public school in Alabama shall be tenure-eligible employees under Chapter 24B.

(b) Notwithstanding subsection (a), any principal to whom subsection (a) would otherwise apply may, prior to the end of the second full school year following the effective date of this act, voluntarily and irrevocably relinquish his or her tenure as a principal and elect to be employed by contract in the same manner, and with the same pay and benefits, as principals hired on or after the effective date of this act. Principals making the election shall receive, for each contract year served with the system in such position, eight thousand dollars (\$8,000) in excess of the contractual salary amount, in consideration for the relinquishment by the principal of his or her tenure as a principal. The relinquishment of tenure and election to serve under contract shall be made in writing to the employing board of education at least 30 days prior to the start of the next school year, to be effective in that and all succeeding years. For principals making the relinquishment of tenure provided for in this subsection only, in the final year of the principal's contract, if the three most recent annual evaluations of the principal, including that in the final year, have been favorable, then the local board of education shall offer the principal another contract for a minimum three-year term. If the principal and the board cannot agree on terms for the new contract, the existing contract shall be extended for a period of one year on the same terms and conditions. If, at the end of that one-year period, the parties still cannot agree on terms and conditions for a new contract, the board shall have no further obligation to renew or extend the existing contract or to enter into a new contract.

§ 16-22A-3. Duties of principal.

All principals, whether employed and serving pursuant to this chapter or Chapter 24B, shall have the following duties:

(1) A principal shall supervise the daily operation and management of personnel, finances, facilities, and other matters of the school or campus for which he or she is responsible. A principal shall assume the administrative responsibility and instructional leadership, as directed by the superintendent, and, where applicable, by the school council, consistent with the employing board policy, for the planning, management, operation, and evaluation of the education program of the school or campus under the principal's responsibility.

(2) A principal shall make a written recommendation to the superintendent or, where applicable, to the school council, regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school or campus under his or her responsibility. If a recommendation of a principal is rejected, then the principal shall submit a second recommendation. The local board shall have final authority for personnel assignments to schools within the school system, based on the recommendation of the local superintendent made, where applicable, on the recommendation of school councils.

(3) A principal shall observe all rules, policies, and procedures relative to the operation of the public schools as established by applicable laws and rules and standards of the State Board of Education, the employing school board and, where applicable, school councils.

(4) A principal shall perform all other duties assigned by the superintendent or, where applicable, by the school council, consistent with the employing board's policy.

§ 16-22A-4. Dismissal of pupils.

The principal, or the principal's designee when the principal is absent, shall have the authority and obligation to dismiss pupils, temporarily suspend classes, or close the school during school hours when, in his or her discretion, an emergency situation exists. The principal or principal's designee shall notify the local superintendent of any such action taken.

§ 16-22A-5. Application of provisions of chapter in "school-in-crisis."

Notwithstanding any provision of this chapter or of any contract

entered into by principal and a local board pursuant to this chapter, in any school designated a "school-in-crisis" or "Tier III" school pursuant to Section 16-3A-6, the rights and obligations of the principal are subject to modification pursuant to Section 16-3A-6(a)(14) and (15), without violation of any right or entitlement of the principal.

Section 17. Sections 16-23-3 and 16-23-5 of the Code of Alabama 1975 are amended to read as follows:

"§ 16-23-3.

"(a) It is the intent of the legislature that the state of Alabama shall modify its policies relative to the certification of teachers to permit an expanded alternative certification program for prospective teachers for grades nine ~~through to~~ 12, inclusive. In addition to certificates issued pursuant to this chapter to persons graduating from approved teacher education programs, the state board of education shall adopt policies, procedures, rules, regulations, ~~and/or and~~ standards authorizing an alternative certificate to be issued by the state superintendent of education to an individual person, regardless of whether ~~such the~~ person is a graduate of an approved teacher education program, where:

"(1) The person has earned a bachelor's or higher degree from a regionally accredited university or college; and

"(2) The person has at least 24 months of professional or other experience or study in the field or related fields for which he or she is seeking certification; and

"(3) The person is ~~recommended to the state board of education~~ approved for an alternative certificate by the state superintendent of education, based upon the regulations promulgated by the State Board of Education, upon the recommendation of the city or county school superintendent in whose system ~~such the~~ person ~~shall~~ will be employed; and

"(4) The person has demonstrated required satisfactory proficiency on any pre-certification examination or assessment requirements then existing for teacher candidates in the state of Alabama ~~pursuant to The Alabama Education Improvement Act of 1991 (Acts 1991, No. 91-323)~~.

"(b) Any alternative certificate shall be valid for the period of time as shall be set by policies, procedures, rules, regulations, ~~and/or and~~ standards which ~~shall may~~ be adopted by the state board of education but in no event shall ~~such the~~ period extend beyond three years from the date of issuance of the alternative certificate.

“(c) Where a person has received an alternative certificate or certificates and has been employed for three consecutive years by one county or city school board, ~~such that~~ person may be granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, when:

“(1) Approved by the state superintendent of education; and

“(2) Approved according to policies, procedures, rules, regulations, ~~and/or and~~ standards ~~which shall be~~ adopted by the state board of education. ~~Such~~ The policies, procedures, rules, regulations, ~~and/or and~~ standards shall require that the recipient of an alternative certificate successfully complete no more than the equivalent of twelve semester hours of college course work in education related courses, as may be determined by the state board of education based upon factors such as the recipient’s individual educational background, prior to the issuance of a teaching certificate pursuant to section 16-23-1.

“(d) Any person granted a teaching certificate issued by the state superintendent of education pursuant to section 16-23-1, following the receipt of an alternative certificate, as herein provided, shall be eligible to attain ~~continuing service status~~ tenure pursuant to chapter ~~24~~ 24B, ~~Title 16~~. Time served as a teacher pursuant to an alternative certificate shall be counted in determining ~~continuing service~~ status pursuant to section ~~16-24-2~~ 16-24B-2.

“(e) The state superintendent of education in cases of emergency when certified teachers, including teachers who may have received alternative certificates pursuant to this section; are not available, may grant emergency certificates of the different kinds and grades, but any such emergency certificate shall not be valid for a period to exceed one year but shall expire at the end of the scholastic year for which it is issued, and such emergency certificate shall not be extended or renewed. Time served as a teacher pursuant to an emergency certificate shall not be counted in determining ~~continuing service~~ status pursuant to section ~~16-24-2~~ 16-24B-2.

“(f) Any alternative certificate issued pursuant to this section shall be limited to persons teaching grades nine ~~through to~~ 12, inclusive; ~~provided, however, that an~~ An alternative certificate may be issued for persons teaching grades kindergarten ~~through to~~ eight, inclusive, if limited to the subject areas of the fine arts ~~and/or or~~ foreign languages ~~, or both, or in other areas of documented shortage.~~

“§ 16-23-5.

~~“The state superintendent of education shall have authority to may revoke or suspend any certificate issued under the provisions of this chapter when the holder has been guilty of immoral conduct or unbecoming or indecent behavior. for just cause.”~~

Section 18. Sections 16-23-13.2 and 16-23-13.3 are added to the Code of Alabama 1975, to read as follows:

§ 16-23-13.2. Public school educators to complete a minimum of 12 hours of approved professional development instruction within the required 10 days of professional development.

(a) Each public school teacher, supervisor, or administrator within this state shall attend a minimum of 12 hours of approved staff development instruction in each school year, with the instruction to be based, at least in part, upon the results of the assessment strategies developed under Section 16-23-16.2(f), and to include instruction in other skills essential to the successful implementation of Alabama First: A Plan for Academic Excellence Act of 1994.

(b) The State Board of Education shall, upon the recommendation of the State Superintendent of Education, develop a plan of professional development for all teachers, supervisors, and administrators. Alabama First: A Plan for Academic Excellence Act of 1994 contemplates the provision of new, intensive, and sustained professional development, with substantial additional commitment of time and resources to the pursuit of professional development. The plan developed by the State Board of Education shall include a delivery system for professional development activities that should incorporate a variety of service options including, but not limited to, those provided by the regional in-service centers, colleges and universities, local boards of education, the State Department of Education, or special topics and seminars presented by professional organizations or recognized professionals in the field of education.

(c) The State Board of Education shall direct the State Superintendent of Education to (1) develop criteria for the approval of staff development programs offered under this section and (2) provide programs of instruction in professional development and leadership training for local boards of education, school system administrators, superintendents, principals, and school councils in those schools under school-based decision making, to incorporate new management and organization practices such as high performance management and total quality management.

(d) One hour of professional development credit shall be given for each actual hour attended at approved professional development programs.

(e) Any public school teacher, supervisor, or administrator who fails to earn 12 hours of approved professional development by June 15 of a particular year will be deemed not in compliance for that year. A plan for making up the deficiency may be accepted if a deficiency plan is received by the local superintendent of education by June 30.

(f) On or before August 15 of each year each local superintendent shall submit to the State Superintendent of Education a written report of any public school teacher, supervisor, or administrator who failed to earn 12 approved professional development hours during the past school year. The State Superintendent shall then notify the employee in writing of the failure to complete the required professional development and establish a deadline by which the employee must be in compliance.

(g) No purchase of materials shall be required at any program of professional development sponsored by the State Board of Education.

§ 16-23-13.3. Operation of regional in-service centers; school systems to affiliate with centers; identification of critical needs; direction of professional development by schools and school systems.

(a) In order to ensure that the staff development needs for the full implementation of Alabama First: A Plan for Academic Excellence Act of 1994 are made available, the regional in-service centers in existence prior to the adoption of Alabama First: A Plan for Academic Excellence Act of 1994 shall continue to provide rigorous in-service training for the state's public school personnel. The regional in-service centers shall:

(1) Provide training for instructional personnel in areas necessary to effectively implement Alabama First: A Plan for Academic Excellence Act of 1994.

(2) Provide specialized help to public school instructional personnel.

(3) Assist in the design, training, and implementation of new educational technologies for public school personnel.

(4) Work with the State Department of Education, school systems, and local businesses and industries to determine systematic and cost-effective methods for using a variety of education technologies to improve teaching and learning.

(5) Provide, when requested, prescriptive in-service training for teachers and administrators based upon personnel evaluation or assessment

information, using both individual evaluation results and local school assessment information.

(6) Operate under the accountability standards promulgated by the State Superintendent of Education.

(b) Each local school system shall affiliate with the in-service center in its region and shall participate in the planning of in-service offerings for the public school personnel in the region.

(c) The regional in-service centers and State Department of Education shall consult with a representative group of educators, including teachers, supervisors, principals, and superintendents in order to identify specific staff development offerings needed to effectively implement Alabama First: A Plan for Academic Excellence Act of 1994 and further improve the teaching and the learning opportunities for students in Alabama.

(d) The State Superintendent of Education shall develop and implement a four-year plan under which an increasing proportion of funds allocated for staff development and leadership training is sent directly to schools and school systems, to be used at the regional in-service centers or for other professional development programs. In the first year of the plan, 20 percent of professional development funds shall be allocated directly to: (1) schools operating under school-based decision making and (2) school systems, where necessary, to be used for the benefit of those schools not operating under school-based decision making. In the second school year, that percentage shall be increased to 40 percent; in the third year, to 60 percent; and in the fourth and subsequent years, to 80 percent.

Section 19. Section 16-23-14 of the Code of Alabama 1975, is amended to read as follows:

“§ 16-23-14.

“(a) Until the new certification system mandated by Alabama First: A Plan for Academic Excellence Act of 1994 is implemented, For for the purpose of setting up standards for the preparation of teachers, supervisors, and administrative employees for service in the public schools, the state board of education shall, subject to other provisions of this chapter, authorize and prescribe the following for institutions engaged in teacher-training:

“(1) ~~minimum~~ Minimum requirements on courses of study, organization, qualifications of instructors, buildings and equipment and sanitary conditions; and,

“(2) Minimum requirements for performance by degree candidates on teacher pre-certification tests, or components of the tests, as developed from time to time by the Educational Testing Service, or by another nationally recognized testing service, upon validation of the use of the tests to the satisfaction of the State Board of Education.”

~~“(b) it shall be the duty of the~~ The state superintendent of education or his ~~or her~~ professional assistants ~~to shall~~ visit institutions engaged in teacher-training, hold conferences with the teachers and officials of ~~such~~ the institutions, explain the requirements of the state board of education relating to the preparation of teachers, ~~look into~~ observe the character of work being done, and perform such other services as may be deemed advisable for the improvement of the training provided for prospective teachers of the public schools of the state.”

Section 20. Sections 16-23-16.2, 16-23-16.3, 16-23-16.4, and 16-23-25 are added to the Code of Alabama 1975, to read as follows:

§ 16-23-16.2. Educator performance standards; assessment of performance.

(a) An Alabama Professional Standards Board (“APSB”) is established to define and recommend to the State Board of Education for adoption educator performance standards to be used as a basis for pre-service education, certification, recertification, and in-service education. The APSB shall continue to study and refine educator performance standards, and shall make recommendations to the State Board of Education, as necessary, to ensure that educator performance standards remain an accurate reflection of what Alabama teachers need to know and be able to do to adequately fulfill their roles in the state’s public schools.

(b) The APSB shall consist of 15 members initially selected as follows:

(1) The State Superintendent of Education shall select the members from a list of at least 30 nominees submitted by the ACSPA.

(2) Members selected shall be representative of the diverse nature of the population of the state.

(3) At least eight members shall be drawn from the ranks of teachers practicing in the state, and at least three of the remaining seven shall be other educators.

(c) In making the initial appointments, the superintendent shall

designate five members to serve two-year terms, five members to serve four-year terms, and five members to serve six-year terms. All subsequent terms shall be for a period of six years. Members may be reappointed by the State Superintendent of Education, or new members may be selected according to subsection (b) provided the list of nominees are submitted by the Office of School Accountability rather than the ACSPA. Should any member of the APSB be unable to finish his or her term, the resulting vacancy shall be filled by the Superintendent, based on nominations made by the Office of School Accountability, with the new appointee to complete the remainder of the term. Notwithstanding the foregoing, a vacancy created by the departure of a teacher-member shall be filled with a practicing teacher, and a vacancy created by the departure of an "other educator" member shall be filled with an educator other than a teacher practicing in the state.

(d) The APSB shall relate the proposed educator performance standards to, and base the standards upon, the student performance standards created pursuant to Section 16-3A-2, and the educator standards shall reflect the same high expectations for teachers as for students, consistent with the pursuit of academic excellence embodied in Alabama First: A Plan for Academic Excellence Act of 1994.

(e) The APSB shall send its recommended educator performance standards to the State Board of Education no later than two years after implementation of student learning goals pursuant to Section 16-3A-2. Within 120 days of receipt of those recommendations, the State Board of Education shall adopt final educator performance standards based on the recommendations.

(f) No later than four years after the adoption of final educator performance standards, the State Board of Education, in consultation with experts and educators, and taking into account the work currently under development by the State Department of Education, the National Board for Professional Teaching Standards and the Council of Chief State School Officers on the subject of educator standards and assessments, shall develop assessment strategies based on the pursuit of academic excellence to determine whether educators are achieving the performance standards.

(g) After performance standards and assessment strategies have been developed, the State Board of Education shall develop a revised certification and recertification system for Alabama educators requiring satisfaction by the educator of the new standards, demonstrated through performance showing proficiency consistent with the standards. The certification and recertification system shall require that all persons applying to be certified or recertified undergo a fingerprint review and criminal background investigation, to be conducted by the Alabama Bureau of Investigation and

the Federal Bureau of Investigation, to determine any criminal history of that person. Information obtained from the investigation shall be considered by the certifying authority in granting or refusing certification. Any fee charged by the bureau of investigation shall be paid by the person seeking certification or recertification.

(h) The State Department of Education shall work with teacher-training institutions to assist the institutions in adjusting and strengthening their pre-service training to conform to the new certification standards, and with the State Board of Education and APSB, shall consider requiring more extensive internships or teaching experience for candidates for graduation from the institutions, as a condition to certification under the new standards. In-service training, including training required for recertification, shall be related to the new standards.

§ 16-23-16.3. Teacher mentoring.

(a) The State Board of Education shall develop a teacher mentoring program to provide first-year teachers in the state with the assistance and support of experienced teachers, including assistance in the design of professional development programs for the first-year teachers. Mentors shall be allocated by the State Superintendent of Education at a ratio of one full-time equivalent mentor to 15 first-year teachers. The State Board of Education shall involve accredited teacher education programs and in-service centers in the design and support of the mentoring program.

(b) Funds for implementing the mentoring program shall be provided by the State Department of Education from appropriations for that purpose upon application by a local board of education, which application shall set forth the number of first-year teachers eligible for the mentoring program and state the proposed design of the mentoring program to be employed.

(c) Schools or school systems that employ mentoring programs on the effective date of this act shall be permitted, with the review and approval of the State Board of Education, to request state funds to support the program already being utilized rather than participate in the mentoring program established under this section.

(d) The State Department of Education shall ensure that at least one-half of first-time teachers are provided support under the mentoring program in school year 1994-95, with all first-year teachers to be assigned to mentors by school year 1995-96.

§ 16-23-16.4. Principal mentoring.

(a) The State Board of Education shall develop a principal leadership and mentoring program to provide first-year principals in the state with assistance, support, and professional development.

(b) Each first-year principal shall have access to an experienced principal judged to be successful in that role. Each mentoring principal shall meet with each first-year principal no less than twice per month for consultation and advice. Additionally, the mentoring principal shall be available by telephone for consultation from a first-year principal.

(c) The State Department of Education shall select potential mentoring principals upon recommendations received from local school superintendents. Principals who are selected and trained, and who serve as mentors, shall receive additional compensation equal to one month's salary.

(d) First-year principals shall attend training conducted by the State Department of Education as a necessary condition for being assigned a mentoring principal.

(e) Funds for implementing the mentoring program for principals shall be provided by the State Department of Education from appropriations for that purpose upon application by a local board of education, which application shall state the number of first-year principals eligible for the mentoring program.

§ 16-23-25. Teacher assistance teams, learning resource teams established.

(a) Each public school in the state shall establish one or more teacher assistance teams ("TATs"), consisting of core groups of knowledgeable, trained in-house staff, to help teachers with students experiencing learning difficulties. The core groups shall be supplemented by either in-house or external professionals, as necessary, to address the wide diversity of student needs presented, and parents of the student experiencing the difficulties shall participate in the TAT process. Teachers, parents, or students may seek assistance from the TAT as often as necessary. The principal teacher of the student for whom help is sought shall remain responsible for the student's instructional program.

(b) The number of TATs needed in each school, and the budget for the TATs shall be determined by the State Department of Education, which shall consider the number of low-income students and the level of student achievement in each school.

(c) TAT core members shall participate in significant statewide

training to be provided by the State Department of Education no later than the summer of 1995.

(d) The State Department of Education shall establish at the school system or regional level, as appropriate, learning resource teams ("LRTs") to serve as a primary resource for the TATs. LRTs ordinarily shall consist of at least three highly trained diagnostic specialists. Upon TAT request, LRTs shall assist teachers in developing specialized educational programs for students with particularly difficult learning problems.

(e) Notwithstanding any other provision of this section, any school may propose to the State Department of Education for approval an alternative structure for providing the services required of a TAT in that school.

Section 21. Section 16-24-1 of the Code of Alabama 1975, is amended to read as follows:

"§ 16-24-1.

~~"The term 'teacher,' as employed in this chapter, is deemed to mean and include means and includes~~ all persons regularly certified by the teacher certifying authority of the state of Alabama who may be employed as instructors, principals, or supervisors in the public elementary and high schools ~~of in~~ the state of Alabama and persons employed as instructors, principals, or supervisors in the Alabama institute for deaf and blind, Alabama industrial school for boys, Alabama industrial school for girls and Alabama industrial school at Mt. Meigs. Notwithstanding the foregoing, after the effective date of this act, no employee of a city or county board of education shall be deemed a 'teacher' for purposes of this chapter, except as provided in Section 16-24B-11(a)."

Section 22. Chapter 24B is added to the Code of Alabama 1975, to read as follows:

CHAPTER 24B. TENURE.

§ 16-24B-1. General definitions.

For purposes of this chapter, the following definitions shall apply:

(1) **CONTRACT YEAR.** For a teacher employee or tenure-eligible supervisory employee, the term of a contract of employment as set by the employing board. For a support employee, a contract period of at least nine months.

(2) **DAY.** A calendar day. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included, and the last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Legal holiday includes all days designated as such in Rule 6(a) of the Alabama Rules of Civil Procedure, as amended from time to time.

(3) **EMPLOYING BOARD.** A city or county board of education.

(4) **FULL-TIME EMPLOYEE.** An employee whose duties require 20 or more hours during each normal working week and employees hired as bus drivers.

(5) **PRIOR LAW.** Chapter 24 of Title 26 and Article 4 of Chapter 26, Title 36, Code of Alabama 1975, as applicable to an employee of an employing board on the date immediately preceding the effective date of this act.

(6) **SCHOOL YEAR.** The meaning pursuant to Section 16-1-1(4).

(7) **SUPERINTENDENT.** The person serving as superintendent of an employing board pursuant to Section 16-9-1 or Section 16-12-1.

(8) **SUPERVISORY EMPLOYEE.** A person, other than a superintendent, who is employed in a supervisory or managerial position for instructional or support services, including, without limitation, an assistant superintendent, a principal, and an assistant principal.

(9) **SUPPORT EMPLOYEE.** A person who is employed for services supporting instructional activities. Any employee of an employing board who is not a superintendent, a supervisory employee, or a teacher shall be deemed a support employee.

(10) **TEACHER EMPLOYEE.** A person possessing a certificate issued by the teacher certifying authority of the State of Alabama who is employed as an instructor.

(11) **TENURE.** The status of a person whose contract of employment may not be terminated except as provided in Section 16-24B-6, and who may not be transferred except as provided in Section 16-24B-5, and who shall, in either event, be accorded hearing rights as provided in Sections 16-24B-7 and 16-24B-8.

(12) **TENURE-ELIGIBLE EMPLOYEE.** A full-time employee of a county or city board of education, other than the following:

- a. A superintendent.
- b. A supervisory employee hired for the first time to work in such capacity on or after the effective date of this act.
- c. A supervisory employee who was hired in such capacity prior to the effective date of this act who was not eligible for tenure or nonprobationary status in such capacity under prior law.

§ 16-24B-2. Criteria for determining employee tenure.

(a) General rule. Subject to the requirements of this section, any tenure-eligible employee who has served full contract years with the same employing board for three consecutive school years and has his or her contract renewed for the next succeeding school year by the employing board shall attain tenure under this chapter.

(b) Procedure for contract renewal and termination before tenure attained. Contract renewal and termination of nontenured employees shall be subject to the following conditions:

(1) Teacher employees and supervisory employees. Any nontenured teacher employee or nontenured supervisory employee shall be deemed to have had his or her contract renewed for the succeeding school year at the same salary unless the employing board causes notice in writing to be given to the employee on or before the first day of June in a school year in which the employee is employed. The employee shall be presumed to have accepted the employment unless he or she notifies the employing board in writing on or before June 15. The employing board may not cancel the contract of any such employee, nor cause notice of non-employment to be given to such employee, except pursuant to a vote of a majority of the members of the employing board, evidenced by minute entries of the board made prior to or at the time of any such action.

(2) Support employees. An employing board may terminate a nontenured support employee's employment at any time before the employee attains tenure by furnishing the employee written notification thereof at least 15 days prior to the effective date of termination.

(c) Determination of contract years. Partial or temporary service or employment during a school year shall not count as a full contract year for purposes of attainment of tenure except as follows:

(1) Partial first year. The first year of employment shall count as a full contract year only if the tenure-eligible employee is employed by the employing board on or before the tenth working day of the second semester and remains employed through the end of the school year.

(2) Effect of leave of absence. A year of employment that is otherwise a full contract year shall count as a full contract year notwithstanding a tenure-eligible employee's leave of absence of not more than 84 days granted by the employing board in accordance with regulations adopted by the State Board of Education.

(3) Military service. A nontenured employee who enters the military service of the United States shall be given credit for partial service to the extent permitted by Section 16-24B-10(b).

(d) Required evaluations of supervisory and teacher employees. Prior to the time that a teacher employee or a tenure-eligible supervisory employee attains tenure under this chapter, the superintendent of the employing board shall evaluate the employee on at least an annual basis.

(e) Effect of service in more than one capacity. If a full-time employee's duties require that the person serve part-time as a teacher or support employee and part-time as a supervisory employee, that person may attain tenure only as a teacher or support employee, unless prior to the effective date of this act the person had attained tenure under prior law as a supervisory employee.

(f) Effect of termination of contract as supervisor on tenure as teacher or support employee. If a person who has attained tenure as a teacher employee or as a support employee is employed as a superintendent or a supervisory employee, that person's tenure as a teacher employee or as a support employee shall not be affected. If that person's contract as a supervisory employee is terminated or is not renewed, that person shall resume his or her status as a tenured teacher employee or tenured support employee. The person's first assignment as a teacher or support employee following the termination or nonrenewal shall not be deemed a transfer for purposes of this chapter.

(g) Transition for persons with tenure or eligible for tenure under prior law.

(1) Any person who attained tenure or nonprobationary status under prior law shall be deemed to have tenure under this chapter in the same category, as a supervisory employee, teacher employee, or support employee, as the case may be.

(2) A person hired as a supervisory employee prior to the effective date of this act who was eligible for tenure or nonprobationary status in such capacity under prior law, but who had not attained tenure or nonprobationary status under prior law, may attain tenure as a supervisory employee under this chapter. No person hired as a supervisory employee for the first time on or after the effective date of this act may attain tenure as a supervisory employee.

(h) Effect of consolidation or separation of schools. When two or more school systems are consolidated under one employing board, or when one or more schools are separated from a school system in order to become a part of or to constitute another school system, the tenure status of the employees involved in the changes shall not be affected.

(i) Relinquishment of tenure by principals. Any employee holding tenure or eligible for tenure as a principal under this chapter may elect to be employed as a nontenured principal pursuant to Section 16-22A-2.

§ 16-24B-3. Contract of employment effective until superseded or canceled.

The contract of employment of any tenured employee shall remain in full force and effect unless superseded by a new contract signed by both parties, or canceled as provided in Section 16-24B-6.

§ 16-24B-4. Change of compensation for succeeding year.

The salary or compensation of any tenured employee may be changed for any succeeding year to accord with a general salary schedule adopted by the employing board of education. No salary schedule shall operate to compensate teacher employees in less sums than the sums contained in any minimum salary schedule which may be adopted by the State Board of Education of Alabama for teachers in the public schools of the state.

§ 16-24B-5. Transfer of tenured and nontenured employees.

(a) A superintendent may, with the consent of any affected school council, transfer or reassign any nontenured employee, and the transfer shall be effective immediately.

(b) A superintendent may, with the consent of any affected school council, and with the concurrence of a majority of the employing board, transfer any tenured teacher employee or tenured supervisory employee from one position, school, or grade to another when necessary to foster and fulfill

7th Day

the educational policies and needs of the school system, subject to the following conditions:

(1) No transfer to be effective during the current school year may be made after the fifth instructional day of the school year except as a result of unexpected course offerings, enrollment changes, or where essential for the effective operation of schools.

(2) No transfer shall be made based on the personal, political, or punitive reasons of the superintendent or the employing board.

(c) A tenured support employee may be transferred from one job classification, school, or work site to another when, in the discretion and business judgment of the superintendent, as approved by a majority of the employing board, the transfer is necessary to ensure the efficient operation of the school system. No transfer shall be made based on the personal, political, or punitive reasons of the superintendent or the employing board. A reassignment of a tenured support employee which would cause the support employee to work in the same job classification at a facility or site which is located on the same campus or contiguous parcel of real estate as the school or work site at which the support employee previously worked shall not constitute a "transfer" for purposes of this section or Section 16-24B-7. A support employee's school or work site shall include all facilities or grounds of the employing board at which the support employee works or may reasonably be expected to work as part of the support employee's regular job responsibilities. Nothing herein shall prohibit the superintendent from making a temporary transfer of a tenured support employee, for a period not to exceed 10 working days, when the superintendent determines that exigent circumstances require the action, and the temporary transfer shall not constitute a "transfer" for purposes of this section or Section 16-24B-7.

(d) A tenured employee affected by a transfer made pursuant to this section may request a hearing before a hearing officer as provided in Section 16-24B-7.

(e) No transfer under this section shall result in loss of tenure or violation of contract.

§ 16-24B-6. Cancellation of contract; grounds for same.

Cancellation of an employment contract of a tenured employee may be made by the superintendent, on recommendation of a school council, where applicable, with the concurrence of a majority of the employing board, for failure to perform duties in a satisfactory manner, incompetency, in-

subordination, neglect of duty, immorality, justifiable decrease in the number of positions, or other good and just cause. Cancellation may not occur for political or personal reasons.

§ 16-24B-7. Hearing procedure.

The following procedure shall be followed for all transfers of tenured employees or cancellations of contracts of tenured employees. No action shall lie for the recovery of damages for the breach of any employment contract of an employee of an employing board.

(1) After receiving the concurrence of a majority of the employing board, the superintendent shall initiate all transfers and cancellations of contracts of tenured employees by giving written notice to the employee of the personnel action. The notice shall contain all of the following:

a. A statement of the personnel action and the statutory authority for such action.

b. A statement of the right of the employee to request a hearing and a brief outline of the hearing process and rights of the employee.

c. A detailed statement of the reasons for the personnel action.

(2) The notice may be served either:

a. By personal service on the employee, with a copy mailed to the last known address of the employee.

b. By certified mail, return receipt requested, mailed to the last known address of the employee.

(3) An employee may request a hearing before a hearing officer to contest a personnel action. The request shall be in writing, filed with the superintendent, and received by the superintendent within seven days of the date of receipt of notice of the personnel action. Failure to request a hearing within the allotted time shall constitute a waiver of the opportunity for a hearing and shall cause the personnel action to become final and effective immediately upon the expiration of the seven-day period.

(4) If a hearing is requested in a timely manner, a hearing officer shall be appointed from a list of hearing officers provided by the American Arbitration Association in accordance with their expedited procedures. All hearing officers shall:

a. Be experienced and knowledgeable in education and personnel matters or have attended training administered jointly by the Alabama Education Association and the Alabama Association of School Boards.

b. Be a resident of a member state of the Southern Regional Education Board.

(5) The superintendent shall notify the American Arbitration Association that a hearing has been requested and to whom the list of potential hearing officers are to be mailed. Within seven days of receipt of a request for a hearing, the American Arbitration Association shall provide each party and any attorney who has filed an appearance on the part of a party, with a list naming seven potential hearing officers. If a party had an attorney file an appearance on his, her, or its behalf, service of the list of potential hearing officers on that attorney shall be deemed as service on the party. At the time of transmitting the list of potential hearing officers, the American Arbitration Association shall schedule a conference of the parties and their attorneys, which conference may be conducted by telephone for the purpose of selecting a hearing officer from the list. The conference shall be conducted no less than seven days nor more than nine days from the date of transmittal of the list. Selection of the hearing officer shall be made through a process of elimination, with each party making alternating strikes of names from the list, until only one name remains. The employee shall make the first strike. The American Arbitration Association shall notify the hearing officer selected.

(6) The hearing shall commence within 14 days of selection of the hearing officer. The hearing officer shall establish a time and place for the hearing, which shall be held in a suitable site provided by the employing board.

(7) In the conduct of a hearing, the hearing officer shall:

a. Maintain order.

b. Cause a record of the proceedings to be made.

c. Establish reasonable time limits for the conduct of the proceedings.

d. Rule on the admissibility of evidence, including the number of witnesses to testify for either party.

e. Issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence. Upon request, the hearing officer

shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and the witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the cost to be shared equally by the employee and employing board. In case a person refuses to obey the subpoena, the hearing officer may invoke the aid of the circuit court in order that the testimony or evidence be produced, and upon proper showing, the court shall issue a subpoena or order requiring the person to appear before the hearing officer and produce evidence and give testimony relating to the matter at issue. The failure of a person to obey the court's subpoena or order shall be punishable by the court as contempt.

f. If necessary, hold a prehearing conference, to be conducted by telephone if appropriate, or issue an order to, among other things, clarify the matter in dispute, establish the order of presentation, and allow and establish time limits for the exchange of exhibits and names of witnesses.

g. Enter an order on any other matter that would facilitate the conduct of the hearing, including the suspension, for good cause shown, of any time period established herein.

(8) At the option of the employee, the hearing may be closed to the public. Notwithstanding the foregoing, any member of the employing board may attend all or part of a hearing. Attendance in the hearing as an observer disqualifies the board member as a witness at the hearing.

(9) The proceedings shall be recorded by a qualified court reporter. The cost of the court reporter's services and of any transcription shall be paid equally by the employing board and employee. The transcript shall be completed no later than 21 days after the filing of the notice of appeal.

(10) The superintendent shall maintain the record of the hearing, which shall include:

a. The notice of personnel action, with evidence of the vote of the employing board concurring in the action.

b. The request for a hearing.

c. All tangible evidence offered but not admitted during the hearing.

d. A statement of all matters officially noticed.

e. All questions and offers of proof, and objections to, and rulings thereon.

f. The written recommendation and findings of fact of the hearing officer.

g. The transcript of the proceeding, if either party files an appeal from the decision of the hearing officer.

(11) The parties shall bear their own costs and expenses. The parties shall bear equally all costs attributable to the appeal.

(12) In order to expedite the hearing process contemplated by this section, all communications, except the initial notice to the employee of the personnel action may be made by facsimile transmission or other means of expedited delivery.

(13) Informal dispositions may be made of any matter by stipulation, agreed settlement, consent order, or by another method agreed upon by the parties in writing. An informal disposition shall be final and binding upon the parties.

(14) At any time after submission of a request for a hearing, an employee may, in writing, withdraw his or her request for a hearing. Upon withdrawal, the personnel action shall become final immediately upon approval by the employing board.

(15) Within seven days of conclusion of the hearing, the hearing officer shall issue written findings of fact and a recommendation based on the findings of fact. The findings of fact shall be binding on both parties. The recommendation may be rejected by the board, but the board's decision may not be violative of the findings of fact. The employing board's decision shall include a brief statement of the reason or reasons for the personnel action and the findings of fact. If the employee contended before the hearing officer that procedural errors occurred in the proceedings which substantially prejudiced his or her rights, the hearing officer's recommendation shall include appropriate findings of fact relating to that contention.

(16) Within 14 days of the date of the employing board's decision, the non-prevailing party may appeal to the Alabama Court of Civil Appeals pursuant to Section 16-24B-8.

(17) In contract cancellation proceedings, the employee shall be removed from the payroll and the employee's salary shall cease at the time of the employing board's final decision upholding cancellation of the employee's contract. If the decision of the employing board is later reversed on appeal, the employee shall be entitled to reinstatement and back pay.

(18) If a tenured employee successfully contests a transfer, the employee shall be entitled to resume his or her former position at the following times: (1) 15 days after the date of the employing board's decision, or (2) at the time of a final judicial decision.

§ 16-24B-8. Appeal of final decision of employing board.

(a) A tenured employee may appeal the final decision of the employing board made under Section 16-24B-7 only to the Alabama Court of Civil Appeals. The appeal shall be filed within 14 days of the employing board's final decision. Appeal by the employee shall be perfected by filing a written notice of appeal with the superintendent, who shall transmit the notice to the Clerk of the Alabama Court of Civil Appeals upon receipt. Failure by the employee to file a timely notice of appeal shall result in the decision of the employing board becoming final, and failure by the superintendent to transmit to the clerk in a timely manner the notice served by the employee shall result in a decision in favor of the employee. The superintendent shall transmit the record to the clerk within 28 days of the filing of a notice of appeal.

(b) On appeal, the decision of the employing board on the personnel action shall be affirmed by the appellate court unless the decision: (1) was procured by fraud, coercion or dishonesty; (2) was the result of clear bias, corruption, partiality or conflict of interest on the part of the employing board; (3) was the result of affirmative misconduct by the hearing officer in the procedural handling of the case; (4) fails entirely to draw its essence or have its basis in the applicable provisions of this chapter; (5) clearly exceeds the employing board's jurisdiction or authority; (6) is entirely baseless and completely without reason; or (7) violates applicable law or clear public policy.

§ 16-24B-9. Cancellation of contract by employee.

No employee, whether or not tenured, may cancel his or her contract during that portion of the school year for which the contract is in effect that begins with the first day of attendance by students and ends with the last day of attendance by students, nor for a period of 45 days prior to the first day of attendance by students, unless the cancellation is mutually agreed upon, or unless the employee has been notified of a transfer fewer than 30 days prior to the first day of attendance by students. Any teacher canceling his or her contract in any manner other than as provided in this section shall be deemed guilty of unprofessional conduct, and the State Superintendent of Education may revoke or suspend the certificate of the teacher.

§ 16-24B-10. Effect of leave of absence on tenure.

(a) Leave of absence for a period of one year for good cause may be granted to a tenured employee by the employing board of education without the impairment of the tenure status of an employee. For valid reasons, the board may extend the leave of absence for one additional year. Upon the request of an employee who has heretofore or who shall hereafter enter the military service of the United States at a time when there is an existing state of war between the United States of America and any other country, leave of absence shall be granted to the employee for the duration of the war and until the beginning of the school year next succeeding the date on which the employee is released from military service. On or before that date, the employee shall give written notice to the employing board of education whether or not he or she desires to be reemployed by the board. If notice is not received by the employing board of education, or if the employee notifies the employing board on or before the date specified above that he or she does not desire reemployment, the employing board has no further responsibility with respect to reemployment of the employee.

(b) A nontenured employee entering the military service of the United States who has accumulated one or more school years of experience with an employing board of education immediately prior to entering military service, shall be given credit for the experience with the employing board of education in attaining tenure, if the employee is reemployed by the board of education within one year after the release of that employee from military service.

§ 16-24B-II. Disposition of pending cases.

(a) Notwithstanding any other provision of this chapter, all cases involving tenure or continuing service status under Chapter 24, in which notice of cancellation of contract or transfer was served on the affected employee prior to the effective date of this act, shall proceed under the laws, procedures and rules set forth in Chapter 24, and the person shall continue to be deemed a "teacher" covered under Chapter 24 until such time as the pending procedure is finally concluded. By written agreement, which shall be included in the record of proceedings, the teacher and the superintendent may elect to proceed instead under this chapter, and Chapter 24 shall have no further application to the teacher.

(b) Notwithstanding any other provision of this chapter, all cases involving employees on nonprobationary status under Chapter 26, Title 36, in which notice of cancellation of contract or transfer was served on the affected employee prior to the effective date of this act, shall proceed under the laws, procedures and rules pursuant to Chapter 26, Title 36, and the person shall continue to be deemed an "employee" covered under Article 4, Chapter 26, Title 36, until such time as the pending procedure is finally

concluded. By written agreement, which shall be included in the record of proceedings, the employee and the superintendent may elect to proceed instead of under this chapter, and Article 4 of Chapter 26, Title 36, shall have no further application to such employee.

§ 16-24B-12. Application of provisions of chapter in "school-in-crisis".

Notwithstanding any provision of this chapter or of any contract entered into by an employee and a local board pursuant to this chapter, in any school designated a "school-in-crisis" or "Tier III" school pursuant to Section 16-3A-6, the rights and obligations of the employee are subject to modification pursuant to Section 16-3A-6(a)(14) and (15), without violation of any right or entitlement of the employee.

Section 23. Sections 16-27-8 to 16-27-11, inclusive, are added to the Code of Alabama 1975, to read as follows:

§ 16-27-8. School buses and other vehicles-Purchase.

Whenever, in the opinion of a local board of education, it is necessary in the proper conduct of educational activities to operate a school bus or buses or other appropriate vehicles the board may purchase a bus or buses or other vehicles.

§ 16-27-9. School buses and other vehicles-Operation; school board members not personally liable.

If a school bus or buses or other appropriate vehicles are purchased, the local board of education may expend funds for the operation and maintenance of the bus or buses or other vehicles and provide for the necessary personnel to operate and maintain the vehicles. The members of the board of education shall not be personally liable in damages for injury to riders or third persons or property resulting from the operation of the bus or buses or other vehicles.

§ 16-27-10. Replacement of buses.

All buses that were built before 1978, and are now in use for the transportation of public school students shall be replaced immediately. The State Board of Education shall prescribe rules and regulations for the scheduled replacement of old or unsafe buses and shall ensure that all school buses at a minimum meet applicable United States Department of Transportation safety standards.

§ 16-27-11. Transportation of pupils; general rules.

Transportation shall be provided to public school pupils according to the following standards:

(1) Any pupil who lives more than two miles from his or her school shall be provided free transportation. A local school system may apply for a waiver from the State Superintendent of Education from its obligation to operate a transportation program, which waiver shall be granted in appropriate circumstances where the school system can demonstrate that it can accommodate the transportation needs of its students without operating a traditional school bus transportation system or that it did not provide a school bus transportation system on the effective date of this act.

(2) Pupils shall be provided with transportation that, at a minimum, and barring exceptional and unforeseen circumstances, brings them to school in time for the beginning of their educational day, including the school breakfast program, and does not require them to leave school before their day is concluded, including any extended hours of the school day.

(3) Pupils shall be transported in school buses that are safe and that receive appropriate maintenance.

(4) If a pupil is required to take more than one bus as part of his or her commute, he or she shall be dropped off at a school to wait for the next bus, and shall in no case be left unattended along a road.

(5) No pupil shall have to ride a bus more than 120 minutes per day as part of his or her daily commute to and from school. The State Board of Education may grant waivers to local school boards from this requirement under extraordinary circumstances as demonstrated by the local school board. An analysis shall be conducted by the State Superintendent of Education by April 1, 1995, to determine what additional transportation requirements are necessary to ensure that no pupil exceeds that riding time.

Section 24. Section 16-28-2.3 is added to the Code of Alabama 1975, to read as follows:

§ 16-28-2.3. Extended structured learning opportunities.

(a) Each school shall provide extended structured learning opportunities, and the State Board of Education shall complete a plan for providing the same by April 22, 1994, unless the date is extended by an appropriate court order. The instructional staff of public schools may require a

student's attendance at extended structured learning opportunities in order to achieve performance standards. The opportunities may include before school, after school, restructured in-school, evening, Saturday, and summer sessions so that time is a primary instructional variable and high achievement is the constant. Any child may voluntarily be enrolled in an extended structured learning opportunity if a place is available in the program he or she wishes to take, provided that places in such programs shall always be first available to those who need help in order to achieve performance standards. Any parent or legal guardian of a student may apply to the school council or, where there is no school council, to the local school board for an exemption from the requirement to attend the sessions.

(b) Schools and local school boards may, and are encouraged to, make available to students, on an optional basis, creative arts and other enrichment activities as a part of the extended-day programs. Reasonable fees may be charged for these activities, but no student shall be denied access to the activities because of financial need.

Section 25. Sections 16-28-6 and 16-28-12 of the Code of Alabama 1975, are amended to read as follows:

“§ 16-28-6.

“(a) The following children, when issued certificates of exemption by the county superintendent of education, where they reside in territory under the control and supervision of the county board of education, or the city superintendent of schools, where they reside in territory under the control and supervision of a city board of education, shall not be required to attend school, or to be instructed by a private tutor:

“(1) Children whose physical or mental condition is such as to prevent or render inadvisable attendance at school or application to study. Before issuing ~~such a~~ certificate of exemption, the superintendent shall require a certificate from the county health officer in counties which have a health unit, and from a regularly licensed, practicing physician in counties which do not have a health unit, that ~~such~~ a child is physically or mentally incapacitated for school work;.

“(2) Children 16 years of age and ~~upward above~~ or children who have completed the course of study of the public schools of the state through high school as now constituted;.

~~“(3) Where because of the distance children reside from school and the lack of public transportation such children would be compelled to walk over two miles to attend a public school;~~

~~“(4) Where the children are legally and regularly employed under the provisions of the law relating to the child labor laws and hold permits to work granted under the terms of said the child labor law.~~

~~“(b) Nothing in this section shall be construed so as to deny any right to any child granted under the provisions of sections 16-39-1 through to 16-39-12, inclusive.~~

“§ 16-28-12.

“(a) Each parent, guardian, or other person having control or custody of any child required to attend school or receive regular instruction by a private tutor who fails to have the child enrolled in school or who fails to send the child to school, or have him or her instructed by a private tutor during the time the child is required to attend a public school, private school, denominational school, or parochial school, or be instructed by a private tutor, or fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with ~~a~~ the written policy on school behavior adopted by the local board of education pursuant to this section and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than ~~\$100~~ one hundred dollars (\$100) and may also be sentenced to hard labor for the county for not more than 90 days. The absence of a child without the consent of the principal teacher of the school he or she attends or should attend, or of the tutor who instructs or should instruct the child, shall be prima facie evidence of the violation of this section.

“(b) Each local board of education shall adopt a written policy on school behavior. Each local superintendent shall provide at the commencement of each academic year a copy of the written policy on school behavior to each parent, guardian, or other person having care or control of a child who is enrolled. Included in the written policy shall be a copy of this section. The signature of the parent, guardian, or other person having control or custody of the child shall document receipt of the policy.

“(c) Any parent, guardian, or other person having control or custody of any child enrolled in public school who fails to require the child to regularly attend the school or tutor, or fails to compel the child to properly conduct himself or herself as a pupil in accordance with ~~a~~ the written policy on school behavior adopted by the local board of education and documented by the appropriate school official which conduct may result in the suspension of the pupil, shall be reported by the principal to the superintendent of education of the school system in which the suspected violation occurred. The superintendent of education or his or her designee shall report such

suspected violations to the district attorney within 10 days. Any principal or superintendent of education or his or her designee intentionally failing to report ~~such~~ a suspected violation shall be guilty of a Class C misdemeanor. The district attorney shall vigorously enforce this section to ensure proper conduct and required attendance by any child enrolled in public school."

Section 26. Sections 16-34-6 and 16-34-7 are added to the Code of Alabama 1975, to read as follows:

§ 16-34-6. Cooperative agreements between state agencies mandated.

State agencies providing adult education services shall develop and implement cooperative agreements for the provision of services, to reduce duplication of services, and maximize use of available funds.

§ 16-34-7. Establishment of workplace literacy programs; legislative intent.

It is the intent of the Legislature that Alabama corporations, businesses, and industries establish literacy and workplace education programs for employees and support the efforts of the Alabama Foundation for Workplace Education in raising private funds for implementation of workplace education programs throughout the state and in serving as a resource and advisory board for providers for adult education services.

Section 27. Section 16-36-40 is added to the Code of Alabama 1975, to read as follows:

§ 16-36-40. Availability of textbooks and other instructional materials and supplies.

The Legislature find that textbooks and other instructional materials are among the basic tools of learning that must exist if Alabama students are to succeed.

(1) All students in the public schools shall be provided with adequate and current textbooks and/or other necessary instructional supplies for use in their education. Textbooks and other supporting materials shall be appropriate for their course work. Where textbooks are assigned in a class, every student shall have his or her own copy of the assigned textbook of the correct edition, which he or she shall be permitted to take home each day for home study, for the entire school year or for the portion of the year when the book is assigned. Assigned books shall be no older than seven years, and shall be in suitable condition.

(2) Instructional supplies, including library books and media resources; science equipment; classroom furniture; audiovisual equipment; maps and globes; blackboards; art and music supplies; and other educational materials shall be provided in all schools in adequate form and quantity.

(3) It should not be necessary for teachers to make personal expenditures to provide the materials described in this section.

(4) The State Department of Education shall evaluate the connection between all approved textbooks and the courses of study.

(5) The State Department of Education has continuing obligation to provide systems and schools with review of and information about textbooks and other instructional materials, including computer software and technology-related materials.

Section 28. Chapter 39B is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 39B SPECIAL EDUCATION FOR STUDENTS WITH DISABILITIES

§ 16-39B-1. Legislative findings.

The Legislature finds and determines that improvement of special education in the public schools is an integral part of the reform efforts underlying Alabama First: A Plan for Academic Excellence Act of 1994, and, for purposes of facilitating that reform, defines special education as a system of services to students with disabilities which:

(1) Provides for instruction and services in a variety of instructional environments, including those outside the school facilities, and provides for modification of those environments when necessary to fulfill a student's individualized needs.

(2) Supports the provision, wherever possible, of special and regular instruction in the regular classroom with supplementary aids and services in the school the student would ordinarily attend if not disabled.

(3) Carries out modifications and adaptations in curriculum, programs of study, and assessments to accommodate identified needs.

(4) Makes available the assistive technology necessary for students to attain their educational goals.

(5) Makes available special education administrative expertise to ensure the implementation of necessary services at the building level, while assuring that the accountability for provision of those services is assigned to the school.

(6) Ensures that students with cognitive disabilities, determined eligible for special education services, are taught academic, economic, social, and self-help skills in age-appropriate environments, including job sites, community-based instructional settings, and recreational and social settings, and that students who continue to need those services beyond high school age shall receive those services until age 21.

(7) Makes available training for regular education teachers, special education teachers, teachers' aides, principals, administrators, parents, and students on the topic of instruction in the regular classroom, including positive behavior support strategies.

§ 16-39B-2. Duties of State Department of Education.

The State Department of Education shall ensure that each student with a disability receives an appropriate education which meets all state and federal standards.

§ 16-39B-3. Identification of students in need of special education.

(a) Within six months of its creation, the ACSPA shall, in consultation with special education experts, recommend to the State Board of Education for adoption criteria for special education eligibility and classifications.

(b) The State Department of Education shall ensure that special education eligibility and classifications in each school and school system conform to the criteria adopted under subsection (a).

(c) The State Department of Education shall develop a plan to prevent incorrect designation of students as needing, or as not needing, special education programs, and to prevent the misclassification of students within special education programs and categories, with special attention to ensuring that race is not a factor in identification and classification decisions.

§ 16-39B-4. Duties of school systems.

Each school system, in developing its Local Education Agency (LEA) Plan for Special Education, shall design and implement, in consulta-

tion with parents, a comprehensive system of educational services that will enable all students with disabilities to participate in the regular classroom to the greatest possible extent. A school system shall be deemed in compliance with this LEA Plan requirement if it meets all of the following criteria:

- (1) The system follows all state eligibility standards for special education.
- (2) The system provides early education services to all eligible children with disabilities from the age of three.
- (3) The system strives to identify and serve children with disabilities in the early grades and to provide appropriate services before serious problems develop.
- (4) The system employs and trains regular classroom teachers who can teach children with a wide variation of strengths and special needs in learning ability.
- (5) The system makes full use of instructional support services designed and implemented to accommodate children with disabilities in the regular classroom.
- (6) The system has provided for on-site consultation, technical assistance and in-service training for teachers where necessary.
- (7) The system ensures that an individualized education plan (IEP) for each child with a disability removed from the regular classroom environment includes goals and objectives designed to move that child into a less restrictive environment at the earliest opportunity.
- (8) The system includes in its LEA Plan for special education all additional policies and procedures required by the State Department of Education.

Section 29, Chapter 64 is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 64

COMMUNITY SERVICE CENTERS

§ 16-64-1. Legislative findings.

The Legislature finds that children from dysfunctional families, low-income children with health problems, homeless children, and other chil-

dren struggling to survive physically and emotionally face unique difficulties learning at high levels in a manner consistent with other children in the state. The Legislature therefore determines that efforts may be made to eradicate the barriers to learning external to the schools, as well as those within the public schools of the state, by establishing community service centers in or near certain schools designed to help the children succeed in school with appropriate assistance from their families. In order to facilitate the eradication of social barriers to learning, community service centers shall be established at least in or near public schools having at least 50 percent of students from low-income families. Such service centers may be located outside a school or in it, and may consist solely of personnel if a school can provide space and wishes to spend its funds only on people. However, nothing in this chapter shall be construed to require the provision of any services not already mandated by law. Community Service Centers shall be funded only after every other office, program, mandate, service, or other requirement of this act is fully funded for each fiscal year.

§ 16-64-2. Joint Council for School-Linked Services established.

There is created a Joint Council for School-Linked Services composed of 16 appointees, two of whom shall be appointed by each of the following: the Governor; the Presiding Officer of the Senate, the Speaker of the House, the State Superintendent of Education, the State Health Officer, the Commissioner of Human Resources, the Commissioner of Mental Health, and the Commissioner of Youth Services. The two appointments of each of the appointing authorities shall include at least one social or health services field practitioner. Members shall serve for a six-year term. Notwithstanding the foregoing, each appointing authority shall designate one of his or her initial appointees to serve for a three-year term only. Any vacancy on the Joint Council, whether occurring from the expiration of a term or the inability of an existing member to fulfill his or her term, shall be filled by the appointing authority who appointed the departing member. Members may be reappointed to the Joint Council upon the expiration of their term. Each appointing authority shall notify the State Superintendent of Education of appointments made. Members of the Joint Council shall select annually from their membership one person to chair the Joint Council. Selection of the chair shall be made by a majority vote of the Joint Council members. The chair may succeed himself or herself, if a majority of the Joint Council members so choose at the next annual election.

§ 16-64-3. Duties and responsibilities of the Joint Council for School-Linked Services.

The Joint Council for School-Linked Services shall:

(1) Oversee the provision of training for local advisory councils to the community service centers.

(2) Review and approve plans for the community service centers submitted by the local advisory councils.

(3) Analyze state health and social services for children and families and develop plans for a unified service delivery system within five years from the effective date of this act.

(4) Develop criteria governing applications for funding for community service centers, including requiring that all of the following are done:

a. Plans are based on an assessment of student and family needs as they relate to school success, family and community strengths, and available community resources.

b. Plans are realistic means of addressing identified needs with available or obtainable resources.

c. Plans are built on partnerships between students, families, school staff, and public and private community agencies.

d. Plans avoid stigmatization of disadvantaged children and families.

(5) Report annually to the Governor, Legislature, and State Board of Education on its activities, including its performance of the duties pursuant to subdivision 1 to 4, inclusive, and provide a detailed summary of the operations of community service centers on a statewide basis, including, without limitation, a report of funds expended and number of persons served by the centers.

§ 16-64-4. Governance and operation of community service centers.

(a) Community service centers shall be governed by the local board of education. The local board of education shall appoint, in such numbers and for such terms as the board deems necessary, a local school-linked services advisory council, which shall include representatives of relevant public and private agencies and be representative of the diverse nature of the population of the community it serves. Each local school-linked services advisory council shall select a chair from its membership in such manner and for such term as the local board of education shall direct.

(b) Local boards and local school-linked services advisory councils shall determine what services are responsive to the needs of students and families in the area. Services may include, but are not limited to, the strengthening of parents' involvement in the education of their children, the provision of essential health services such as inoculation and health screening, the implementation of dropout prevention initiatives, and the improvement of parental literacy.

(c) Each community service center shall offer the services of at least one professional staff member and one support staff member. Services shall be solicited from, and coordinated with, human services agencies in the community whenever possible.

(d) Local school-linked services advisory councils shall make an application for a community service center for eligible schools in accordance with the criteria established by the Joint Council for School-Linked Services. Joint applications for community service centers may be submitted on behalf of eligible schools. Applications shall require the approval of: (1) the local school superintendent, the county health department director, and the county human resources agency director, or (2) the Joint Council for School-Linked Services, if the application is denied at the local level.

(e) Local boards shall provide to the Joint Council for School-Linked Services such information as the Joint Council may request regarding the operation of community service centers, to allow the Joint Council to make its annual report as required pursuant to Section 16-64-3(4).

Section 30. Chapter 65 is added to Title 16 of the Code of Alabama 1975, to read as follows:

CHAPTER 65

TECHNOLOGY IN SCHOOLS

§ 16-65-1. Establishment of state task force on education technology.

The State Superintendent of Education shall establish a State Task Force on Education Technology to consist of no more than 25 members. The task force shall include at least three persons from the private sector and at least three persons involved in higher education. The State Task Force on Education Technology shall craft a comprehensive, integrated plan for the use of technology in the public schools, and shall focus in particular on technology as a classroom tool; information management; distance learning; staff development through technology; software development; training in the use of technology in instruction; technology as support for informa-

tion access; the exchange of information among public schools, two- and four-year institutions and libraries, such as through electronic mail; and the maintenance implications of large increases in technology. The task force shall work to increase the access of teachers to telephones. The State Superintendent of Education shall ensure that one or more members appointed to the task force are familiar with special education issues relating to technology. The task force may engage the services of nationally recognized experts in the field of technology to assist it, as necessary.

§ 16-65-2. Technology trust fund.

There is established with the State Board of Education a technology trust fund into which appropriations may be made for the purposes described in this chapter. The State Board of Education shall determine the adequate level of technology resources required in schools based upon the plan developed by the State Task Force on Education Technology, develop cost estimates, and make expenditures from the Technology Trust Fund based on educational need and in an equitable manner.

§ 16-65-3. Technology for literacy training and adult education.

The State Board of Education shall provide technology hardware and software to providers to the public of literacy training and adult education who both (1) utilize the adult education curriculum developed by the adult education section of the State Department of Education and (2) use the assessment instruments recommended by the Council on Adult Education in its report dated January 4, 1993. Such technology assistance is designed to enable public providers to acquire the technology needed to run literacy and adult education programs efficiently and effectively and provide the providers with an incentive to use the performance objectives developed by the adult education section of the State Department of Education.

Section 31. Section 36-26-100 of the Code of Alabama 1975, is amended to read as follows:

“§ 36-26-100.

“The term ‘employees,’ as used in this article, ~~is deemed to mean and include~~ means and includes all persons employed by county and city boards of education, two-year educational institutions under the control and auspices of the state board of education, the Alabama Institute for Deaf and Blind not to include production workers at the Alabama Industries for the Blind, educational and correctional institutions under the control and auspices of the Alabama department of youth services, who are so em-

ployed as bus drivers, lunchroom or cafeteria workers, maids and janitors, custodians, maintenance personnel, secretaries and clerical assistants supervisors, and all other persons not otherwise certified by the state board of education. Only full-time employees who are not otherwise covered by the state merit system, the teacher tenure law, or other state statute at the time this article is adopted are intended to be covered by this article. Full-time employees include (a) adult bus drivers and (b) other employees whose duties require 20 or more hours in each normal working week of the school term, employing board holidays excepted. Substitute teachers and substitute employees are ~~excluded~~ exempted from the this article. Notwithstanding the foregoing, after the effective date of this act, no employee of a city or county board of education shall be deemed an 'employee' for purposes of this chapter, except as provided in Section 16-24B-11(b)."

Section 32. Notwithstanding any law to the contrary, the interests of a municipal governing body official whose spouse is employed by the city board of education is not a special financial interest for the purposes of voting on appointments to the city board of education and approving general appropriations for schools.

Section 33. Any rule, regulation, plan, program, or entity established pursuant to this act shall be subject to the Alabama Administrative Procedure Act.

Section 34. Notwithstanding any provision of this act to the contrary, the requirements of this act shall be implemented and administered in strict compliance with Amendment 284 of the Constitution of Alabama of 1901.

Section 35. Notwithstanding any provision of this act or existing law, a system of reporting by institutions of higher learning in this state shall be implemented and administered as provided in this section.

(a) Each institution shall prepare a comprehensive report designed to recommend and implement methods of improving the readiness of public high school students for entry to colleges and universities. This report shall be known as College Readiness Report.

(b) The College Readiness Report shall include, but not be limited to, the following information:

(1) Information on students who advance to their sophomore year.

(2) An assessment of the skills of students entering a college or university.

(3) An assessment of state and local educators in secondary education in their implementation of the requirements of this act.

(4) Data on students who graduate within a concise time period, and their average grade point average, specified by their respective curriculum.

(5) The percentage of students requiring college level remedial courses.

(6) Recommendation for bringing high school and college faculty together in academic alliances to exchange ideas and teaching strategies.

(c) Each institution of higher education in Alabama shall prepare a College Readiness Report for each Alabama high school having two or more students enrolled in its institution.

(d) College Readiness Reports shall be prepared twice annually and delivered each January 1, and each July 1, to the respective high school, with a copy sent to the State Board of Education.

(e) Private colleges are encouraged to voluntarily come under the provisions of this act.

Section 36. Notwithstanding the provisions of subsection (b) of Section 16-13-52.1, the county and city boards of education are relieved of their responsibilities not to reduce the number of teacher units employed from local funds as of August 12, 1987.

Section 37. Notwithstanding any other provision of this act or existing law, including, but not limited to, Sections 16-23-3 and 16-23-14, no person shall be eligible to be certified as a teacher after the effective date of this act unless the person has received a passing grade as defined by the Educational Testing Service on the National Teachers' Examination administered by the Educational Testing Service. It shall be the applicant's responsibility to arrange for and take the National Teachers' Examination prior to eligibility to be certified as a teacher in Alabama.

Section 38. It is the intent of the Legislature to adopt the commentary made by the Governor's Task Force on Education Reform on Alabama First: A Plan for Academic Excellence Act of 1994, and the Legislature further intends that the commentary be used in interpreting and implementing this act.

Section 39. The provisions of this act are severable. If any part of

this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 40. All laws or parts of laws which conflict with this act are repealed. Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975, are specifically repealed.

Section 41. Any and all mandates contained in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriation of a local school board or boards for the purposes of implementing the mandates.

Section 42. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RECESS

At 2:35 P.M., on motion of Senator Hale, the Senate took a recess until 2:50 P.M.

The recess period having expired, at 2:50 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 75

The Senate proceeded to further consideration of the Bill, SB 75, as amended. The question was on the Figures substitute.

Senator Mitchell moved that said substitute be laid on the table, which motion was lost.

Yeas 11 Nays 24

Yeas:

Senators:

Amari, Bedsole, Bolling, Dixon, Ellis, Hill, Lipscomb, Mitchell, Parsons, Smith (J), and Waggoner

-11

Nays:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Escott-

Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchem, Owens, Sanders, Smith (B), Underwood, Wilson, and Windom
- 24

And said Figures substitute for the Mitchell substitute was then adopted.

Senator Dial offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, for SB 75, as amended, to-wit:

**DIAL AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Delete pages 109, line 5, to page 129, line 18, inclusive, and insert in lieu thereof:

**CHAPTER 10A.
SCHOOL-BASED DECISION MAKING**

Section 16-10A-1. Legislative intent.

The Legislature hereby finds and determines that:

(a) The implementation of a system of school-based decision making will strengthen local control over schools and will link accountability with authority.

(b) The system should provide for the development of various models in order to meet the local needs and wishes of schools and school systems.

Section 16-10A-2. Establishment of program.

(a) Not later than March 1, 1995 the State Board of education shall adopt regulations creating a program for school-based decision making in the public schools. The regulations shall establish various models for implementation of school-based decision making, one of which shall be the model included in Senate Bill 75 on page 101, lines 10 to 27, inclusive, to page 118, lines 1 to 6, inclusive, as introduced in the 1994 Regular Session of the Alabama Legislature. The regulations shall also allow schools, school systems, and the Alabama Association of School Administrators to develop additional models consistent with the intent of this chapter.

(b) The program for school-based decision making shall give princi-

pals, teachers, parents, and members of the community in which the school is located the authority to (i) participate in decisions relating to curriculum and instructional practices and (ii) have significant input into the selection of faculty and staff and budgetary decisions affecting the school. The program shall also provide an opportunity for input from the public and private sector, including students.

(c) The program for school-based decision making shall be available for implementation beginning in the 1995-1996 school year.

(d) The program shall provide for implementation of school-based decision making at the option of the local school board or upon election of the certificated school staff as provided in Section 16-10A-4.

Section 16-10A-3. School councils.

(a) A school council shall be designed by the local school, submitted to the local board of education, and approved by the State Board of Education with the council to consist of no fewer than five members to include, but not be limited to, the principal, parents, and teachers, and the community at large.

(b) The State Board of Education shall provide appropriate training for school-based decision making for principals, teachers, parents and the community at large.

Section 16-10A-4. Election to participate.

(a) Prior to the 2000-2001 school year, any school may participate in school-based decision making after appropriate training if not less than 60 percent of the certificated school staff elect to implement the program at the school where the staff is located. Beginning in the 2000-2001 school year, all schools shall participate in school-based decision making, unless (1) a school has successfully met its performance standards under Section 16-3A-6 for two consecutive assessment periods and (2) the local school board and a majority of the certificated staff at the school concur that school-based decision making is not necessary or desirable for the school; provided, however, that if the school thereafter fails to meet its performance standards for two consecutive assessment periods, it shall implement school-based decision making.

(b) All voting for school-based decision making shall be by secret ballot, and no school or school system shall subject the certificated staff to direct or indirect coercion to vote for or against school-based decision making.

(c) The regulations of the State Board of Education establishing the system of school-based decision making shall establish the procedures for voting contemplated by this section.

Which was adopted.

Senator Windom offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**WINDOM AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Delete pages 109, line 5 to page 129, line 18, inclusive, and insert in lieu thereof:

**CHAPTER 10A.
SCHOOL-BASED DECISION MAKING**

Section 16-10A-1. Legislative intent.

The Legislature hereby finds and determines that:

(a) The implementation of a system of school-based decision making will strengthen local control over schools and will link accountability with authority.

(b) The system should provide for the development of various models in order to meet the local needs and wishes of schools and school systems.

Section 16-10A-2. Establishment of program.

(a) Not later than March 1, 1995 the State Board of education shall adopt regulations creating a program for school-based decision making in the public schools. The regulations shall establish various models for implementation of school-based decision making, one of which shall be the model included in Senate Bill 75 on page 101 to 118 as introduced in the 1994 Regular Session of the Alabama Legislature. The regulations shall also allow schools, school systems, and the Alabama Association of School Boards to develop additional models consistent with the intent of this chapter.

(b) The program for school-based decision making shall give prin-

cipals, teachers, parents, and members of the community in which the school is located the authority to (i) participate in decisions relating to curriculum and instructional practices and (ii) have significant input into the selection of faculty and staff and budgetary decisions affecting the school. The program shall also provide an opportunity for input from the public and private sector, including students.

(c) The program for school-based decision making shall be available for implementation beginning in the 1995-1996 school year.

(d) The program shall provide for implementation of school-based decision making at the option of the local school board or upon election of the certificated school staff as provided in Section 16-10A-4.

Section 16-10A-3. School councils.

(a) A school council shall be designed by the local school, submitted to the local board of education, and approved by the State Board of Education with the council to consist of no fewer than five members to include, but not be limited to, the principal, parents, and teachers, and the community at large.

(b) The State Board of Education shall provide appropriate training for school-based decision making for principals, teachers, parents and the community at large.

Section 16-10A-4. Election to participate.

(a) Prior to the 2000-2001 school year, any school may participate in school-based decision making after appropriate training if not less than 60 percent of the certificated school staff elect to implement the program at the school where the staff is located. Beginning in the 2000-2001 school year, all schools shall participate in school-based decision making.

(b) All voting for school-based decision making shall be by secret ballot, and no school or school system shall subject the certificated staff to direct or indirect coercion to vote for or against school-based decision making.

(c) The regulations of the State Board of Education establishing the system of school-based decision making shall establish the procedures for voting contemplated by this section.

In addition to the programs specified above, in order to ascertain the effectiveness of school-based decision making in a large metropolitan

school system, a pilot program shall be conducted in a minimum of twelve schools within a school system that contains all or a portion of a Class 2 municipality. The governing body of such a school system shall implement and continue the pilot program which shall be the same as the model included in Senate Bill 75 on pages 101 to 118 as introduced in the 1994 Regular Session in such schools within the system beginning with the 1994-1995 school year and continuing thereafter until otherwise directed by legislative act. The program will be implemented in those schools that have completed the Effective Schools Program administered by the school board. For any schools that have not completed the Effective Schools Program by the start of the 1994-1995 school year, the program will be implemented at the beginning of the next school year following completion of the Effective Schools Program. The model used shall be the same model as the model in Senate Bill 75 on pages 101 to 118 as introduced in the 1994 Regular Session.

On motion of Senator Figures, said amendment was laid on the table.

Senator Windom then offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**WINDOM AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Delete pages 109, line 5 to page 129, line 18, inclusive, and insert in lieu thereof:

**CHAPTER 10A.
SCHOOL-BASED DECISION MAKING**

Section 16-10A-1. Legislative intent.

The Legislature hereby finds and determines that:

(a) The implementation of a system of school-based decision making will strengthen local control over schools and will link accountability with authority.

(b) The system should provide for the development of various models in order to meet the local needs and wishes of schools and school systems.

Section 16-10A-2. Establishment of program.

(a) Not later than March 1, 1995 the State Board of education shall adopt regulations creating a program for school-based decision making in the public schools. The regulations shall establish various models for implementation of school-based decision making, one of which shall be the model included in Senate Bill 75 on page 101 to 118 as introduced in the 1994 Regular Session of the Alabama Legislature. The regulations shall also allow schools, school systems, and the Alabama Association of School Boards to develop additional models consistent with the intent of this chapter.

(b) The program for school-based decision making shall give principals, teachers, parents, and members of the community in which the school is located the authority to (i) participate in decisions relating to curriculum and instructional practices and (ii) have significant input into the selection of faculty and staff and budgetary decisions affecting the school. The program shall also provide an opportunity for input from the public and private sector, including students.

(c) The program for school-based decision making shall be available for implementation beginning in the 1995-1996 school year.

(d) The program shall provide for implementation of school-based decision making at the option of the local school board or upon election of the certificated school staff as provided in Section 16-10A-4.

Section 16-10A-3. School councils.

(a) A school council shall be designed by the local school, submitted to the local board of education, and approved by the State Board of Education with the council to consist of no fewer than five members to include, but not be limited to, the principal, parents, and teachers, and the community at large.

(b) The State Board of Education shall provide appropriate training for school-based decision making for principals, teachers, parents and the community at large.

Section 16-10A-4. Election to participate.

(a) Prior to the 2000-2001 school year, any school may participate in school-based decision making after appropriate training if not less than 60 percent of the certificated school staff elect to implement the program at the school where the staff is located. Beginning in the 2000-2001 school year, all schools shall participate in school-based decision making.

(b) All voting for school-based decision making shall be by secret ballot, and no school or school system shall subject the certificated staff to direct or indirect coercion to vote for or against school-based decision making.

(c) The regulations of the State Board of Education establishing the system of school-based decision making shall establish the procedures for voting contemplated by this section.

In addition to the programs specified above, in order to ascertain the effectiveness of school-based decision making in a large metropolitan school system, a pilot program shall be conducted in a minimum of eleven schools within a school system that contains all or a portion of a Class 2 municipality. The governing body of such a school system shall implement and continue the pilot program which shall be the same as the model included in Senate Bill 75 on pages 101 to 118 as introduced in the 1994 Regular Session in such schools within the system beginning with the 1994-1995 school year and continuing thereafter until otherwise directed by legislative act. The program will be implemented in those schools that have completed the Effective Schools Program administered by the school board. For any schools that have not completed the Effective Schools Program by the start of the 1994-1995 school year, the program will be implemented at the beginning of the next school year following completion of the Effective Schools Program. The model used shall be the same model as the model in Senate Bill 75 on pages 101 to 118 as introduced in the 1994 Regular Session.

Senator Figures moved that said amendment be laid on the table, which motion was lost.

Yeas 9 Nays 9

Yeas:

Senators:

deGraffenried, Figures, Horn, Langford, Lipscomb, Little, Mitchell, Sanders, and Smith (B) - 9

Nays:

Senators:

Bedsole, Bolling, Campbell, Ellis, Ghee, Hill, Mitchem, Owens, and Windom - 9

And said Windom amendment No. 2 was then lost.

Yeas 10 Nays 10

Yeas:

Senators:

Amari, Bailey, Bedsole, Ghee, Hill, Mitchem, Underwood, Waggoner,
Wilson, and Windom -10

Nays:

Senators:

deGraffenried, Escott-Russell, Figures, Horn, Langford, Lipscomb, Little,
Mitchell, Sanders, and Smith (B) -10

Senator Mitchem offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**MITCHEM AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 131, line 3, delete the numerals "178" and insert in lieu thereof the following numerals:

180

Also, on page 131, line 4, after the period, delete the remainder of line 4 and delete line 5 in its entirety.

On page 131, line 11, delete the numerals "195" and insert in lieu thereof the following numerals:

190

On page 131, line 14, delete the numerals "17" and insert in lieu thereof the following numerals:

10

Also, on page 131, lines 14 to 16, inclusive, delete the following sentence:

For each contract year after 1994-1995, the minimum number of staff days shall be 15 days.

Which was lost.

Yeas 11 Nays 12

Yeas:

Senators:

Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Hill, Lipscomb, Little, Mitchem,
and Owens -11

Nays:

Senators:

Bailey, Campbell, deGraffenried, Denton, Figures, Ghee, Hom, Langford,
Sanders, Smith (B), Underwood, and Windom -12

Senator Dixon offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**DIXON AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Amend the Mitchell substitute, as amended, for SB 75, as amended,
Page 119 Line 24, as follows:

Delete in its entirety the sentence on lines 24 thru 27, beginning
with "The responsibility" and ending with "entity"

Which was adopted.

Senator Dixon then offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**DIXON AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Amend the Mitchell substitute, as amended, for SB 75, as amended,
on Page 121 add to line 20, the words "or his or her designee"

On lines 24-25 substitute the words "The responsibility of the principal for evaluating non-tenured personnel can not be delegated."

The rest of the section shall read as it currently is.

Which was adopted.

Senator Little offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**LITTLE AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 7, line 15, following the word "commentary;" by inserting the following:

to provide for annual report cards on schools;

On page 194, following line 19, by inserting the following new Section 39 and renumbering all subsequent sections accordingly:

Section 39. In order to adequately inform and help the public accurately evaluate the performance of our public schools, the following shall be reported annually to the public and the media on a specified date established by the respective board:

(1) The State Board of Education shall issue an annual report to be known as the "Report Card on Our Schools and School Systems" on the performance of schools and school systems on criteria established pursuant to this act.

(2) Local boards of education shall issue an annual education status report that shall include an assessment of student performance by school and an evaluation of system-wide student performance. Student performance shall be evaluated on criteria established by the State Board of Education, which criteria shall include, but not be limited to, the results of academic assessments provided for in this act; the student dropout rate; the graduation rate; the average class size; the pupil/teacher ratio; the pupil/administrator ratio; the percentage of students entering postsecondary education or training programs; parent, teacher, and student satisfaction; parental involvement; and other measures deemed appropriate by the board. The local school board of each school shall be responsible for supplying the information on parent, teacher, and student satisfaction as provided for in Section 16-10-9, Code of Alabama 1975. Local boards of education shall furnish this information to parents or guardians of students enrolled in public schools of their respective system in the form of a "Report Card on Our Schools and School Systems."

Senator Bailey moved that said amendment be laid on the table, which motion was lost.

Yeas:

Senators:

Bailey, Barron, Dial, Escott-Russell, Ghee, Horn, Langford, and
Sanders - 8

Nays:

Senators:

Bedsole, Bolling, Dixon, Ellis, Little, Mitchell, Mitchem, Owens, Smith
(B), Underwood, Wilson, and Windom -12

And said Little amendment was then adopted.

Senator Underwood offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**UNDERWOOD AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 70, by deleting lines 6 to 8, inclusive, and inserting the following:

(7) To make recommendations to the State Board of Education and to affected local school systems designed to correct deficiencies in Alabama's public schools.

On motion of Senator Figures, said amendment was laid on the table.

Senator Underwood then offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**UNDERWOOD AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 194, after line 19, insert the following language as a new Section 39 and renumber existing sections accordingly:

Section 39. (a) It is the intent of the Legislature to increase parents' involvement in their children's education, to increase parental and community involvement in the public schools, and to increase local control over local public schools.

(b) Local boards of education shall require teachers to make parents and teachers conferences available to parents and guardians.

(c) Local schools shall have available, for parental review, during regular school hours, a copy of all textbooks used in the regular courses of study for that school.

On page 7, on line 15, after the word "commentary;" insert:

to provide for parental involvement;

Which was adopted.

Senator Waggoner offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**WAGGONER AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 48, on line 1, after the period, insert the following language:

Implementation of the academically-enriched assessment strategies shall ensure that each student has core knowledge in academic curricula and can demonstrate a practical application of that knowledge.

Which was adopted.

Senator Windom offered the following amendment No. 3 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**WINDOM AMENDMENT NO. 3 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Amend the Mitchell substitute, as amended, for SB 75, as amended, on Page 131, on line 27 by adding the following new language:

At least two staff days each year shall be devoted to parent/teacher conferences. These two staff days shall be used as four half-days scheduled at flexible hours to accommodate working parents.

Which was adopted.

Senator Bedsole offered the following amendment to the Mitchell

substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**BEDSOLE AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 12, line 9, after the word “Education” add the following additional language:

in collaboration with existing services, including but not limited to, day care facilities, Head Start, and public or private preschool programs,

On page 12, line 10, delete the words “to supplement Head Start”

On page 12, line 15, delete the words “may be provided in” and insert in lieu thereof:

shall utilize

On page 12, line 16, immediately before the word “settings” add the following words:

existing and/or

Which was adopted.

Senator Bedsole then offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**BEDSOLE AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 110, lines 6 and 7, delete the words “consistent with the intent of this Chapter and the powers permitted by Section 16-10A-5” and in lieu thereof insert the words:

upon notice to the State Board of Education

Which was adopted.

Senator Amari offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**AMARI AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 194, after line 13, add the following new Sections 38 and 39 and renumber the following sections accordingly:

Section 38. Parents or guardians shall always be recognized as the sole authority for their children and parental permission must be given for medical treatment of students in any school or any subsequently created school-related centers.

Section 39. It is prohibited to furnish contraceptives to students. School personnel who participate in these prohibited activities may be subject to dismissal.

Senator Figures moved that said amendment be laid on the table, which motion was lost.

Yeas 11 Nays 16

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Escott-Russell, Figures, Floyd, Ghee, Horn, Langford, and Wilson -11

Nays:

Senators:

Amari, Bailey, Bolling, Denton, Dial, Dixon, Ellis, Hale, Hill, Lipscomb, Little, Mitchell, Mitchem, Owens, Smith (B), and Windom -16

And said Amari amendment was then adopted.

Senator Amari then offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**AMARI AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 41, delete lines 17 to 21, inclusive, in their entirety and insert in lieu thereof:

in a high-level core academic curriculum, including four years of English, four years of mathematics, four years of social studies with an emphasis on history and geography, and four years of science, and support to stay in school and

On motion of Senator Figures, said amendment was laid on the table.

Senator Hill offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**HILL AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 195, after line 4, add the following new Section 41 and renumber the remaining sections accordingly:

Section 41. Notwithstanding the general and specific repealers contained in Section 40, Sections 16-1-11, 16-1-20.3, 16-1-28, 16-28-1, 16-28-2, 16-28-2.1, 16-28-3, 16-28-7, 16-28-8, 16-28-12 (as amended), 16-28-15, 16-28-16, 16-28-22, 16-28-23, 16-28-24, 16-30-1 to 16-30-5, inclusive, 16-35-5, 16-36-2, 16-40-1, 16-40A-1 to 16-40A-4, inclusive, 16-41-5, 16-41- 6, 16-41-8, 16-43-1 to 16-43-5, inclusive, 16-46-1 to 16-46-10, inclusive, are specifically preserved.

On page 177, line 3, between the comma and the word “denominational” add the following underlined language:

church school.

On page 177, line 7, between the words “pupil” and “in” add the following underlined language:

in any public school

On page 177, on line 15, between the words “the” and “school” add the following additional underlined language:

public

Also on page 177, delete the underlined language on lines 19 and 20 and add the following underlined language in lieu thereof:

(b) Each local public school board of education shall adopt a written policy for its standards on school behavior. Each local public school superintendent

Which was adopted.

Senator Hill then offered the following amendment No. 2 to the

Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**HILL AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 2, beginning on line 24, delete the following: “create and provide for the Alabama Commission on School Performance and Accountability for the purpose of serving as the primary authority for developing the policy framework for school reform and for the purpose of facilitating and implementing the goals and objectives of the act;”

On page 6, on line 5, 6, and 7, delete the following language: “to create and provide for the Alabama Commission on School Performance and Accountability;”

On page 8, by deleting lines 8 through 10, inclusive, in their entirety and renumbering the following subsections.

On page 25, line 6, delete the words: “;ACSPA to assist in training”

On page 25, by deleting lines 18 through 27, inclusive, in their entirety and on page 26, by deleting lines 1 and 2 in their entirety.

On page 32, line 13, by deleting the words “the ACSPA and”

On page 33, lines 7 through 13, inclusive, by deleting subsection (15) in its entirety and renumbering the following subsections.

On page 41, on lines 11 and 12, by deleting the words: “, upon the recommendation of the ACSPA,”

On page 49, on lines 15 and 16, by deleting the following words “The ACSPA, in consultation with the State Board of Education, utilizing” and inserting in lieu thereof the following words:

The State Board of Education, in consultation with

On page 51, on line 13, by deleting the words “in consultation with the ACSPA”

On page 58, on line 5, by deleting the words “and approved by the ACSPA”

On page 60, on lines 4 and 5, by deleting subsection (c) in its entirety.

On pages 66 and 67, by deleting Section 9 in its entirety.

On page 145, on line 21, by deleting "ACSPA" and inserting in lieu thereof the words:

Governor, the Lieutenant Governor, and the Speaker of the House of Representatives

On page 182, on lines 14 through 18, inclusive, by deleting subsection (a) in its entirety and renumbering the following subsections.

On page 44, on lines 22 and 23, by deleting the words: " , upon the recommendation of the ACSPA,"

On motion of Senator Figures, said amendment was laid on the table.

Yeas 20 Nays 8

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Ghee, Horn, Lindsey, Little, Owens, Sanders, Underwood, Wilson, and Windom -20

Nays:

Senators:

Amari, Bedsole, Ellis, Hale, Hill, Lipscomb, Mitchell, and Waggoner - 8

Senator Bedsole offered the following amendment No. 3 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**BEDSOLE AMENDMENT NO. 3 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 174, immediately after line 13, add the following new subdivision (6):

(6) Beginning with the 1995-1996 school year, each school bus shall be equipped with a communication system for emergency uses.

Which was adopted.

Senator Mitchell offered the following amendment to the Mitchell

substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**MITCHELL AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Amend the Mitchell substitute, as amended, for SB 75, as amended, on page 194, after line 19, by adding a new section 39 and renumbering all remaining sections accordingly:

**Section 39. ACCESS AND PRIVACY RIGHTS FOR SCHOOL
PERSONNEL RECORDS.**

(a) When used in this section, the following words shall have the following meanings:

(1) EMPLOYEE. Any person currently or formerly employed by a board of education.

(2) EXECUTIVE OFFICER. Any county or city superintendent of education; the President of The Alabama Institute for Deaf and Blind; the president of any two-year school or college under the auspices of the State Board of Education; the Superintendent of the Department of Youth Services District; the Executive Director of the Alabama School of Fine Arts; the Executive Director of the Alabama High School of Mathematics and Science.

(3) PERSONNEL RECORD. All records, information, data, or materials pertaining to an employee kept by the educational authority in any form or retrieval system whatsoever.

(b) Each board of education shall establish and maintain an official personnel record on each employee that shall be the only official personnel record for the employee. The executive officer of each board of education shall supervise the maintenance of official personnel records and maintain updated, complete, and accurate records. Records of former employees shall also be maintained in accordance with this act except that a board of education is not required by this act to create additional records or reports on any former employees of the school board after the effective date of this act.

(c) Principals or other supervisors employed by a board of education who have direct responsibilities for the supervision of employees may temporarily maintain records on employees that directly relate to the conduct of supervisory responsibilities until the appropriate time that the perti-

nent documents can be made a part of the permanent record, preferably before the beginning of the next term. In all instances, the employee shall have access to temporary records in the same manner as provided in this act for official personnel records.

(d) An employee's personnel record shall be maintained according to the following provisions:

(1) All information in the employee's record shall be confidential, except salary information. An employee's official personnel record shall not be transmitted to any other persons or agencies without the knowledge of the employee. Any documents which may be lawfully contained in the personnel record of the employee shall be made available to a lawfully authorized hearing officer or panel conducting an investigation into the competency or performance of the employee.

(2) All aspects of the official personnel record of each employee shall be open to inspection at all times by the appropriate local executive officer, principal, assistant principal, immediate supervisor, or their authorized designees. No one shall have access to an employee's record except in the exercise of official duties. Members of local boards of education may have access, but only according to a policy adopted by the board consistent with the provisions of this act.

(3) Any materials pertaining directly to work performance may be placed in the record of the employee.

(4) The employee, or any person designated in writing by the employee, shall have the right upon request to review the contents of his or her personnel records wherever maintained, and to receive copies of any documents contained in the record. No document shall be withheld from the employee or his or her representative, except confidential letters of recommendation. The employee shall be entitled to have a representative of the employee's choice accompany the employee during the review.

(5) Any anonymous written complaint or material deemed worthy of an investigation by the appropriate school or college official may be investigated; however, the result of the investigation shall be reduced to writing, signed, and dated, attached to the material in question, and placed in the employee's personnel record. Any anonymous complaint which is not investigated within 30 days of this receipt shall not be retained, but shall be destroyed.

(6) Statements, reports, and comments relating to work performance, discipline, suspension, or dismissal shall be reduced to writing and

signed by a person reasonably competent to know the facts or make a judgment as to the accuracy of the subject information. Additional information related to the written materials previously placed in the personnel record may be attached to the materials to clarify or amplify them as needed. A copy of all materials to be placed in an employee's record which may tend to diminish the employee's status or reflect adversely on the employee's performance shall be provided to the employee.

(7) The employee shall have the right to answer or object in writing to any materials in the employee's personnel record and the answer or objection shall be attached to the filed copy to which the objection was made.

(e) The transfer of an employee's personnel record or any parts, summation, or copies of the employee's personnel record shall be made upon written request of the employee. The employer may transfer an employee's personnel record to another employer or prospective employer.

(f) Written policies established by a board of education pertaining to personnel records which are not inconsistent with this act may remain in effect.

(g) This section shall become effective with the commencement of the 1994-95 scholastic year.

And amend the title on page 7 line 3 after the word "Report;" add "to provide further for access and privacy rights for school personnel records;"

Which was adopted.

Senator Waggoner offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**WAGGONER AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 62, on line 12, by deleting the words "Minimum and" and by deleting the word "schedules"

On page 62, beginning on line 14, by deleting subsection (a) in its entirety and renumbering all subsequent subsections accordingly.

Which was adopted.

Senator Lipscomb offered the following amendment to the Mitchell

substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**LIPSCOMB AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 5, line 23, delete the words “learning goals”

On page 5, lines 25 and 26, delete the words “development of student assessment strategies, and accountability system for the schools,”

On page 6, lines 5 to 7, inclusive, delete the following:

to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability;

On page 8, line 7, delete the line in its entirety, and insert in lieu thereof:

passing a grade or graduating

On page 8, delete lines 16 to 17, inclusive, in their entirety, and insert in lieu thereof:

should be taught in each course.

On page 25, line 21, delete the words “performance management”

On page 29, lines 21 to 23, inclusive, delete subsection (2) in its entirety and renumber the subsequent subsections according.

On page 30, line 19, delete the words “the desired levels of performance” and insert in lieu thereof:

academic excellence

On pages 34 to 39, inclusive, line 13 et seq., delete Section 16-3A-2, in its entirety.

On page 40, lines 3 and 4, delete the words “,based on the learning goals and objectives established pursuant to Section 16-3A-2,”.

On page 40, lines 5 and 6, delete the words “Alabama students are required to know and be able to do” and insert in lieu thereof:

should be taught in each course

On page 40, lines 10 and 11, delete the words “students should know and be able to do, but not how they are to be taught” and insert in lieu thereof:

should be taught in each course

On page 42, lines 11 to 14, inclusive, delete subsection (4) in its entirety and renumber the subsequent subsections accordingly

On page 47, line 23 et seq., delete Section 16-3A-5, in its entirety.

On page 49, line 14 et seq., delete Section 16-3A-6, in its entirety.

On page 60, line 9, insert a period after the word “boards” and delete the rest of the sentence

On page 60, lines 14 and 15, delete the words “and in order to meet education performance standards”

On page 60, line 17, delete the words “to improve student performance”

On page 60, line 27, and on page 61, line 1, delete the words “and in order to meet education performance standards”

On page 61, lines 8 and 9, delete the words “meet the student performance objectives” and inset in lieu thereof:

pass

On page 65, line 9, delete the words “requisite knowledge and skills in”

On page 65, lines 9 to 11, inclusive, delete the words “shall not be required to take courses designed to teach that knowledge of those skills and, instead,”

On page 65, line 13, delete the words “knowledge and skills for”

On page 66, line 16 et seq., delete Section 9 in its entirety and renumber the subsequent sections accordingly

On page 67, line 22 et seq., delete Section 10 in its entirety and renumber the subsequent sections accordingly

**REGULAR SESSION
7th Day**

555

On page 111, line 25, after the word “unless” delete the rest of the sentence and insert in lieu thereof:

the local school board and a majority of the certified staff at the school concur that school-based decision making is not necessary or desirable for the school.

On page 139, line 21, insert a period after the word “year” and delete the rest of the sentence

On page 140, line 22, insert a period after the word “making” and delete the rest of the sentence

On page 146, lines 18 to 24, inclusive, delete subsection (d) and renumber the subsequent subsections accordingly

On page 171, line 20 et seq., delete Section 16-24B-12 in its entirety

On page 174, line 24, insert a period after the word “opportunities” and delete the rest of the sentence

On pages 174 and 175, line 26, insert a period after the word “sessions” and delete the rest of the sentence

On page 190, line 25, insert a period after the word “effectively” and delete the rest of the sentence

On page 194, lines 14 to 19, inclusive, delete Section 32 in its entirety and renumber the subsequent sections accordingly

On motion of Senator Figures, said amendment was laid on the table.

Yeas 22 Nays 6

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, Denton, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Wilson, and Windom

-22

Nays:

Senators:

Amari, Ellis, Hale, Lipscomb, Mitchell, and Waggoner

- 6

Senator Mitchem offered the following amendment No. 2 to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**MITCHEM AMENDMENT NO. 2 TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 131, line 3, delete the numerals "178" and insert in lieu thereof the following numerals:

180

Also, on page 131, line 4, after the period, delete the remainder of line 4 and delete line 5 in its entirety.

On page 131, line 11, delete the numerals "195" and insert in lieu thereof the following numerals:

191

On page 131, line 14, delete the numerals "17" and insert in lieu thereof the following numerals:

11

Also, on page 131, lines 14 to 16, inclusive, delete the following sentence:

For each contract year after 1994-1995, the minimum number of staff days shall be 15 days.

Which was adopted.

Yeas 19 Nays 11

Yeas:

Senators:

Barron, Bedsole, Bolling, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hale, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, and Windom

-19

Nays:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Denton, Figures, Langford, Sanders, Smith (B), Smith (J), and Wilson

-11

Senator Escott-Russell offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**ESCOTT-RUSSELL AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

Delete Section 16-24B-5 commencing on page 159, on line 4 and insert in lieu thereof the following:

§ 16-24B-5. Transfer of tenured and nontenured employees.

(a) A superintendent may, with the consent of any affected school council, transfer or reassign any nontenured employee, and the transfer shall be effective immediately.

(b) A superintendent may, with the consent of any affected school council, and with the concurrence of a majority of the employing board, transfer any tenured teacher employee or tenured supervisory employee from one position, school, or grade to another when necessary to foster and fulfill the educational policies and needs of the school system, subject to the following conditions:

(1) No transfer to be effective during the current school year may be made after the fifth instructional day of the school year except as a result of unexpected course offerings or enrollment.

(2) No transfer shall be made based on the personal, political, or punitive reasons of the superintendent or the employing board.

(c) A tenured support employee may be transferred from one job classification, school, or work site to another when, in the discretion and business judgment of the superintendent, as approved by a majority of the employing board, the transfer is necessary to ensure the efficient operation of the school system. No transfer shall be made based on the personal, political, or punitive reasons of the superintendent or the employing board. A reassignment of a tenured support employee which would cause the support employee to work in the same job classification at a facility or site which is located on the same campus or contiguous parcel of real estate as the school or work site at which the support employee previously worked shall not constitute a "transfer" for purposes of this section or Section 16-24B-7. A support employee's school or work site shall include all facilities or grounds of the employing board at which the support employee works or may reasonably be expected to work as part of the support employee's regular job responsibilities. Nothing herein shall prohibit the superintendent from

making a temporary transfer of a tenured support employee, for a period not to exceed 10 working days, when the superintendent determines that exigent circumstances require the action, and the temporary transfer shall not constitute a "transfer" for purposes of this section or Section 16-24B-7.

(d) A tenured employee affected by a transfer made pursuant to this section may request a hearing before a hearing officer as provided in Section 16-24B-7.

(e) No transfer under this section shall result in loss of tenure or violation of contract.

Delete Section 16-24B-7 commencing on page 161 on line 12 and insert in lieu thereof:

§ 16-24B-7. Hearing procedure.

The following procedure shall be followed for all transfers of tenured employees or cancellations of contracts of tenured employees. No action shall lie for the recovery of damages for the breach of any employment contract of an employee of an employing board.

(1) After receiving the concurrence of a majority of the employing board, the superintendent shall initiate all transfers and cancellations of contracts of tenured employees by giving written notice to the employee of the personnel action. The notice shall contain all of the following:

a. A statement of the personnel action and the statutory authority for such action.

b. A statement of the right of the employee to request a hearing and a brief outline of the hearing process and rights of the employee.

c. A detailed statement of the reasons for the personnel action.

(2) The notice may be served either:

a. By personal service on the employee, with a copy mailed to the last known address of the employee.

b. By certified mail, return receipt requested, mailed to the last known address of the employee.

(3) An employee may request a hearing before binding arbitration to contest a personnel action. The request shall be in writing, filed with the

superintendent, and received by the superintendent within seven days of the date of receipt of notice of the personnel action. Failure to request a hearing within the allotted time shall constitute a waiver of the opportunity for a hearing and shall cause the personnel action to become final and effective immediately upon the expiration of the seven-day period.

(4) If a hearing is requested in a timely manner, a hearing officer shall be appointed from a list of hearing officers provided by the American Arbitration Association in accordance with their expedited procedures. All hearing officers shall:

a. Be experienced and knowledgeable in education and personnel matters or have attended training administered jointly by the Alabama Education Association and the Alabama Association of School Boards.

b. Be a resident of a member state of the Southern Regional Education Board.

(5) The superintendent shall notify the American Arbitration Association that a hearing has been requested and to whom the list of potential hearing officers are to be mailed. Within seven days of receipt of a request for a hearing, the American Arbitration Association shall provide each party and any attorney who has filed an appearance on the part of a party, with a list naming seven potential hearing officers. If a party had an attorney file an appearance on his, her, or its behalf, service of the list of potential hearing officers on that attorney shall be deemed as service on the party. At the time of transmitting the list of potential hearing officers, the American Arbitration Association shall schedule a conference of the parties and their attorneys, which conference may be conducted by telephone for the purpose of selecting a hearing officer from the list. The conference shall be conducted no less than seven days nor more than nine days from the date of transmittal of the list. Selection of the hearing officer shall be made through a process of elimination, with each party making alternating strikes of names from the list, until only one name remains. The employee shall make the first strike. The American Arbitration Association shall notify the hearing officer selected.

(6) The hearing shall commence within 14 days of selection of the hearing officer. The hearing officer shall establish a time and place for the hearing, which shall be held in a suitable site provided by the employing board.

(7) In the conduct of a hearing, the hearing officer shall:

a. Maintain order.

- b. Cause a record of the proceedings to be made.
- c. Establish reasonable time limits for the conduct of the proceedings.
- d. Rule on the admissibility of evidence, including the number of witnesses to testify for either party.

e. Issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence. Upon request, the hearing officer shall issue subpoenas for witnesses to testify either in support of the charges or on behalf of the employee, and the witnesses shall be entitled to receive the same mileage and per diem as witnesses called in civil cases in the circuit court of the county where the hearing is held, the same to be paid out of school funds. The employing board shall not be accountable for the witness fees of more than 10 of the witnesses subpoenaed by the employee. In case a person refuses to obey the subpoena, the hearing officer may invoke the aid of the circuit court in order that the testimony or evidence be produced, and upon proper showing, the court shall issue a subpoena or order requiring the person to appear before the hearing officer and produce evidence and give testimony relating to the matter at issue. The failure of a person to obey the court's subpoena or order shall be punishable by the court as contempt.

f. If necessary, hold a prehearing conference, to be conducted by telephone if appropriate, or issue an order to, among other things, clarify the matter in dispute, establish the order of presentation, and allow and establish time limits for the exchange of exhibits and names of witnesses.

g. Enter an order on any other matter that would facilitate the conduct of the hearing, including the suspension, for good cause shown, of any time period established herein.

(8) At the option of the employee, the hearing may be closed to the public. Notwithstanding the foregoing, any member of the employing board may attend all or part of a hearing. Attendance in the hearing as an observer disqualifies the board member as a witness at the hearing.

(9) The proceedings shall be recorded by a qualified court reporter. The cost of the court reporter's services and of any transcription shall be paid by the employing board. No transcription shall be made unless either party appeals the decision of the hearing officer as provided in Section 16-24B-8. If a notice of appeal is filed, the employing board shall immediately order the transcript, and the transcript shall be completed no later than 21 days after the filing of the notice of appeal.

(10) The superintendent shall maintain the record of the hearing, which shall include:

a. The notice of personnel action, with evidence of the vote of the employing board concurring in the action.

b. The request for a hearing.

c. All evidence admitted during the hearing.

d. A statement of all matters officially noticed.

e. All questions and offers of proof, and objections to, and rulings thereon.

f. The written decision of the hearing officer.

g. The transcript of the proceeding, if either party files an appeal from the decision of the hearing officer.

(11) The parties shall bear their own costs and expenses. The parties shall bear equally all costs attributable to the hearing officer.

(12) In order to expedite the hearing process contemplated by this section, all communications, except the initial notice to the employee of the personnel action may be made by facsimile transmission or other means of expedited delivery.

(13) Informal dispositions may be made of any matter by stipulation, agreed settlement, consent order, or by another method agreed upon by the parties in writing. An informal disposition shall be final and binding upon the parties.

(14) At any time after submission of a request for a hearing, an employee may, in writing, withdraw his or her request for a hearing. Upon withdrawal, the personnel action shall become final immediately upon approval by the employing board.

(15) Within seven days of conclusion of the hearing, the hearing officer shall issue a written decision which shall be binding on the employee and the employing board. Service of the decision shall be made on the employee and the employing board in the same manner as required under subdivision (2). The decision shall include a brief statement of the reason or reasons for the personnel action, findings of fact, and a decision regarding the propriety of the personnel action. If the employee contended before

the hearing officer that procedural errors occurred in the proceedings which substantially prejudiced his or her rights, the hearing officer's decision shall include appropriate findings of fact relating to that contention.

(16) Within 14 days of the date of the hearing officer's decision, the non-prevailing party may appeal to the Alabama Court of Civil Appeals pursuant to Section 16-24B-8.

(17) In contract cancellation proceedings, the employee shall be removed from the payroll and the employee's salary shall cease at the time of the hearing officer's final decision upholding cancellation of the employee's contract. If the decision of the hearing officer is later reversed on appeal, the employee shall be entitled to reinstatement and back pay.

(18) If a tenured employee successfully contests a transfer before the hearing officer, the employee shall be entitled to resume his or her former position at the following times: (1) 15 days after the date of the hearing officer's final decision disallowing the transfer, if the employing board does not appeal, or (2) at the time of a final judicial decision upholding the decision of the hearing officer disallowing the transfer, if the employing board does appeal.

Delete Section 16-24B-8 commencing on page 168 on line 1 and insert in lieu thereof:

§ 16-24B-8. Appeal of final decision of hearing officer.

(a) A tenured employee or the employing board of a tenured employee may appeal the final decision of a hearing officer made under Section 16-24B-7 only to the Alabama Court of Civil Appeals. The appeal shall be filed within 14 days of the hearing officer's final decision. Appeal by the employee shall be perfected by filing a written notice of appeal with the superintendent, who shall transmit the notice to the Clerk of the Alabama Court of Civil Appeals upon receipt. Appeal by the employing board shall be perfected by the filing of a notice of appeal with the Clerk of the Alabama Court of Civil Appeals within 14 days of the final decision of the hearing officer. Failure by the employee or the employing board to file a timely notice of appeal shall result in the decision of the hearing officer becoming final, and failure by the superintendent to transmit to the clerk in a timely manner the notice served by the employee shall result in a decision in favor of the employee. The superintendent shall transmit the record to the clerk within 28 days of the filing of a notice of appeal by either party.

(b) On appeal, the decision of the hearing officer on the personnel action shall be affirmed by the appellate court unless the decision: (1) was

procured by fraud, coercion or dishonesty; (2) was the result of clear bias, corruption, partiality or conflict of interest on the part of the hearing officer; (3) was the result of affirmative misconduct by the hearing officer in the procedural handling of the case; (4) fails entirely to draw its essence or have its basis in the applicable provisions of this chapter; (5) clearly exceeds the hearing officer's jurisdiction or authority; (6) is entirely baseless and completely without reason; or (7) violates applicable law or clear public policy.

Senator Dial moved that said amendment be laid on the table, which motion was lost.

Yeas 13 Nays 20
Abstaining 1

Yeas:

Senators:

Barron, Bedsole, Dial, Dixon, Ellis, Foshee, Hale, Hill, Mitchem, Owens, Sanders, Smith (B), and Waggoner -13

Nays:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Denton, Escott-Russell, Figures, Floyd, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Smith (J), Underwood, Wilson, and Windom -20

Abstaining: Senator deGraffenried - 1

And said Escott-Russell amendment was then adopted.

Senator Parsons offered the following amendment to the Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, to-wit:

**PARSONS AMENDMENT TO MITCHELL SUBSTITUTE,
AS AMENDED, FOR SB 75, AS AMENDED**

On page 194, after line 19, add the following new Section 39 and renumber all remaining sections accordingly:

Section 39. The State Superintendent of Education shall present to the State Board of Education for implementation in the county and city school systems a plan to reduce mandatory paperwork by at least 25 percent which classroom teachers must complete. This plan of action shall be implemented no later than the beginning of the 1995-96 scholastic year.

On page 7, on line 15, before the word “and” add the following:

to require a plan to reduce teacher paperwork by 25 percent;

Which was adopted.

And said Mitchell substitute, as amended by the Figures substitute, as amended, for SB 75, as amended, was then adopted.

Yeas 32 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -32

Nays:

Senators:

Amari, Lipscomb, and Mitchell - 3

And said Bill, SB 75, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 32 Nays 3

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom -32

Nays:

Senators:

Amari, Ellis, and Lipscomb - 3

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said

Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 75. To provide the reform of Alabama public schools by providing for Alabama First: A Plan for Academic Excellence Act of 1994; to amend Chapters 1, 21, 23, 24, and 28 of Title 16, Code of Alabama 1975, relating to education; to amend Section 36-26-100, Code of Alabama 1975, relating to dismissal procedures for nonteacher employees of certain school systems; to provide further for the discipline of pupils and the establishment of school discipline plans in cases of drugs, alcohol, weapons, and physical harm, including the responsibility of parents; to establish an Early Childhood Development Advisory Council and require an early childhood education development program; to provide for the establishment of an alternative school program in each county; to prohibit the collection of incidental fees in public schools; to require that all students have school facilities that are conducive to an effective teaching and learning environment; to prohibit fund raising during school hours; to provide for personal leave for certain education personnel; to restructure the State Department of Education; to prescribe further duties of the State Superintendent of Education and the State Board of Education relating to learning goals, courses of study, restructuring of elementary and secondary education, development of student assessment strategies, an accountability system for the schools, criteria for consolidation and deconsolidation of schools, programs for students who are low income or low performing, or both, and for certification of education personnel; to provide minimum and average salary schedules for teachers; to require certified teachers to pass the National Teachers' Examination; to prescribe the pupil-teacher ratio; to create and provide for the Alabama Commission on School Performance and Accountability; to create the Office of School Accountability; to create the Legislative Oversight Committee on Education Reform; to provide further for the county and city superintendents of education and local boards of education; to establish a system of school-based decision making; to provide further for the tenure of educational personnel and the procedure for hearings in tenure disputes; to provide for a procedure for the suspension of educational employees; to prescribe further duties of principals; to provide further for the regional in-service centers; to establish and prescribe the duties of the Alabama Professional Standards Board; to provide for the creation of teacher and principal mentoring programs; to provide for the establishment of teacher assistance teams in the schools; to provide for the safe transportation of pupils and for the replacement of school buses built before 1978; to provide further for special education for students with disabilities; to provide for the establishment of community service centers in or near certain public schools to provide assistance to families of low-income students; to provide for the establishment of a State Task Force on Education Technology by the

State Superintendent of Education; to establish a technology trust fund; to provide for a system of reporting by institutions of higher learning to be known as the College Readiness Report; to provide further for access and privacy rights for school personnel records; to provide that this act shall be implemented and administered in strict compliance with Amendment No. 284 to the Constitution of Alabama of 1901 and shall be subject to the Alabama Administrative Procedure Act; to provide for local boards of education responsibilities concerning the number of teacher units; to specify what constitutes a financial interest for a municipal governing body official; to provide that any and all mandates in this act shall be mandated only to the extent that funds are specifically appropriated by the Legislature or otherwise made available by appropriation of a local school board or boards for the purposes of implementing the mandates; to adopt certain commentary; to provide for parental involvement; to provide for annual report cards on schools; to require a plan to reduce teacher paperwork by 25 percent; and to repeal Sections 16-1-1.1, 16-1-13, 16-1-15, 16-1-16, 16-1-16.1, 16-2-6, 16-3-15, 16-3-17.1, 16-3-17.2, 16-3-17.3, 16-3-18.1, 16-3-18.2, 16-3-18.3, 16-3-18.4, 16-3-18.5, 16-3-20, 16-3-38, 16-21-3, 16-23-13.1, 16-23-16.1, 16-26-1 to 16-26-4, inclusive, 16-28-2.1, and Chapters 6, 6A, 8, 9, 10, 11, and 12 of Title 16, Code of Alabama 1975.

DON HALE,
Chairperson.

ADJOURNMENT

At 5:35 P.M., on motion of Senator Windom, the Senate adjourned until Tuesday, February 1, 1994, at 2 o'clock P.M.

EIGHTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 1, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Bill Lyle, Minister, First Presbyterian Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Heather Harris, Georgia Washington Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-34

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senator Smith (B) for today.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Thursday, February 3, 1994, at 9 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Parsons (With Notice and Proof):

S. 425. To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award the pension if, in the judgment of the Board of Managers, the pension is required, and to provide for the conditions and limitations applying to the pension.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 425, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons:

S. 426. To amend Section 6-5-391, Code of Alabama 1975, concerning the cause of action for the wrongful death of a minor; to provide further that the cause of action applies to a pre-born minor child at any stage of development regardless of viability; and to further provide for the

limitation period for an action for the death of a minor child or pre-born child.

Committee on Judiciary/Civil

By Senator Parsons:

S. 427. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change references to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations and to issue subpoenas; to employ a full-time attorney with prosecutorial powers; to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to add additional requirements for financial disclosure; to prohibit legislators from representing the state, county, municipalities, or instrumentalities, in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments; to prohibit regulatory officials and employees and families from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to prohibit conversion of campaign funds to personal use; to provide for the removal of names of candidates from ballots; to provide for annual registration and an annual fee for lobbyists; to broaden the reporting requirements of lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-18, 36-25-19, and 36-25-27 of the Code of Alabama 1975.

Committee on Constitution
and Elections

By Senator Campbell (With Notice and Proof):

S. 428. Relating to Morgan County; to amend Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to the process of service and its methods by the county and collection of fees as provided by law by the sheriff or the deputy sheriff, by providing that the

sheriff or the deputy sheriff shall personally serve subpoenas.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 428, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial:

S. 429. To amend Section 16-25-3.1, Code of Alabama 1975, to allow purchase of credit for certain service in the Teachers' Retirement System by members who were denied an opportunity to join previously because of advanced age at the time of employment.

Committee on Finance
and Taxation

By Senator Foshee:

S. 430. To make a supplemental appropriation from the State General Fund in the State Treasury to the Alabama Ethics Commission for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senators Hale and Dial:

S. 431. To provide that a person requesting medical records shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

Select Committee on
Fiscal Responsibility

By Senator Waggoner:

S. 432. To provide that certain full-time employees and executive officers of the Alabama Sports Hall of Fame Board, a nonprofit corporation, may elect to become members of the Teachers' Retirement System

of Alabama and the State Employees' Health Insurance Plan; to provide that the Alabama Sports Hall of Fame Board and its employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senator Ellis:

S. 433. To authorize the governing bodies of counties and municipalities within the state to establish intercooperative public corporations for efficient compliance with applicable federal and state laws, rules, and regulations relating to storm water discharges into municipal separate storm sewers; to provide the designated governing bodies of counties and municipalities within the state with the legal authority to control the contribution of pollutants to municipal storm sewers by storm water discharges associated with industrial activity, as well as illicit discharges and other discharges not composed entirely of storm water, to the extent the same is required under federal and state regulations; to authorize the counties and municipalities the option to participate with the public corporation; to authorize the public corporation to employ individuals directly or indirectly, to contract for services, to purchase real and personal property, to construct and operate storm water facilities, to undertake studies and develop information regarding storm water runoff, to adopt policies, procedures, and rules applicable to its members, to develop pro forma remedies and procedures for enforcement of resolutions and ordinances, to sue and be sued except as immunized hereby, to establish the cost, charges, fees, or assessments necessary to fund operations and activities, to establish procedure for assessment and collection by the tax assessor and tax collector of such cost, charges, fees, or assessments levied by a member governing body, to authorize its agents to enter public or private property to investigate contamination with immunity from trespass, to conduct public hearings in the development of pro forma regulations and ordinances; to exempt the property and income and conveyances of or by the public corporations from state and local taxation and probate fees and taxes; to immunize the public corporation from civil suit and its board members and employees from liability for official duties; to confirm the governmental function of the public corporations' activities; to confirm the same or similar authority, powers, and immunity of governing bodies to control, prohibit, and enforce storm water laws and regulations; to confirm governing bodies' authority to adopt resolutions and ordinances to implement the storm water laws and procedures and this act and to participate in the public corporation and with other governing bodies and to authorize the governing bodies to establish

fees, charges, or assessments without referendum unless required by the Constitution, to authorize the levy and collection thereof by the tax assessor and tax collector, to establish by resolution or ordinance necessary enforcement measures, civil suit, and injunctive remedies; to confirm governing bodies' eminent domain authority; to require the tax assessor and tax collector to assist the collection of fees, charges, and assessments, to establish a lien therefor and a collection commission, to exclude the Alabama Department of Environmental Management permittees; to confirm the continuing authority of the Alabama Department of Environmental Management and other state agencies; to declare the severability provisions and to establish an effective date.

Committee on Commerce,
Transportation, and Utilities

By Senator Dial:

S. 434. To amend Section 36-27-70, Code of Alabama 1975, to provide for an employee of the State of Alabama to purchase prior service with a municipality.

Committee on Finance
and Taxation

By Senators Waggoner, Escott-Russell, Lindsey, Hill, Ghee, Smith (J), and Floyd:

S. 435. To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

Committee on Judiciary/Civil

By Senator Waggoner:

S. 436. To provide that certain full-time employees and execu-

tive officers of the Birmingham Football Foundation and the Alabama Sports Hall of Fame Board, nonprofit corporations, may elect to become members of the Teachers' Retirement System of Alabama and the State Employees' Health Insurance Plan; to provide that the Birmingham Football Foundation and the Alabama Sports Hall of Fame Board and their employees assume all costs, both contributory and administrative, and that no cost devolve upon the state; and to provide for the purchase of certain previous service credit in the Teachers' Retirement System of Alabama.

Committee on Finance
and Taxation

By Senator Mitchell:

S. 437. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

Committee on Governmental
Affairs/State Administration

By Senator Sanders:

S. 438. To provide for a special restricted driver's license for any person who is at least 15 years of age and less than 16 years of age; and for this purpose to amend Section 32-6-7, Code of Alabama 1975, relating to persons to whom a driver's license shall not be issued.

Committee on Commerce,
Transportation, and Utilities

By Senator Langford:

S. 439. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than five days.

Committee on Banking
and Insurance

By Senator Ghee:

S. 440. To amend Section 37-2-84, Code of Alabama 1975, relating to the authority of the Department of Transportation to abandon or

discontinue a state highway or a street on a state highway route crossing the tracks or right-of-way of a railroad; to further provide for the authority of the Department of Transportation to abandon, close, and discontinue a portion of any private, municipal, or county highway, street, or right-of-way crossing the tracks or right-of-way of any railroad when the crossing is dangerous, redundant, or it is in the interest of public safety that the crossing be closed.

Committee on Commerce,
Transportation, and Utilities

By Senator Windom:

S. 441. To provide for a reduction in insurance premiums for motor vehicle liability, first party medical, and collision coverages for certain drivers.

Committee on Banking
and Insurance

By Senators Smith (J), Ghee, Underwood, Parsons, Little, Ellis, Bolling, and Dial:

S. 442. To limit campaign contributions to candidates for state offices, including legislative, judicial, and executive branch offices; to provide further for limits on contributions made to political candidates, parties, and causes; to provide the acceptance and reporting of campaign contributions and expenditures by political committees; to prescribe criminal penalties; and to provide a prospective effective date.

Committee on Constitution
and Elections

By Senator Corbett:

S. 443. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

Committee on Economic Affairs

By Senators Smith (J), Hale, Dial, and Waggoner:

S. 444. To establish a Child Care Commission with certain re-

sponsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 7 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 30. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and du-

ties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 30 - to the Committee on Judiciary/Civil

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Zoghby (With Notice and Proof):

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 85, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 468, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 85 - to the Committee on Local Legislation No. 3

HB 468 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cagle (With Notice and Proof):

H. 134. Relating to Walker County; granting certain county employees a day of personal leave in lieu of the Mardi Gras holiday.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 134, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 134 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Butler:

H. 25. Amending Section 13A-12-200.1, Code of Alabama 1975, to include for monetary consideration topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 25 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell (With Notice and Proof):

H. 80. Relating to Calhoun County; providing that the Tax

Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 80, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Black (L) (With Notice and Proof):

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 80 and 428 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Parker (P) (With Notice and Proof):

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Campbell (With Notice and Proof):

H. 264. Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Williams (With Notice and Proof):

H. 405. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 405, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 88, 264, and 405 - to the Committee on Local Legislation
No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (L) (With Notice and Proof):

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 429, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 429 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bowling and Drake (With Notice and Proof):

H. 106. To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 106, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 106 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 9. Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 9 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Morrow:

H. 63. To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 63 - to the Committee on Constitution and Elections

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Higginbotham:

H. 128. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 128 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cagle (With Notice and Proof):

H. 135. Relating to Walker County; to provide for the distribu-

tion of a portion of any tonnage fee collected at any private landfill in the county and paid to the county for the purpose of providing an annual bonus to county employees.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 135, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 135 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 105 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 236, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Hogan (With Notice and Proof):

H. 271. Relating to Walker County and the 14th Judicial Circuit, to amend Section 2 of Act No. 91-503, H. 1018 of the 1991 Regular Session (Act 1991, p. 892), by providing that hazardous duty pay shall be paid only to deputy sheriffs and jailers employed by and working under the direct supervision of the Sheriff of Walker County.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 271, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 236 - to the Committee on Local Legislation No. 3

HB 271 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Butler:

H. 26. To amend Section 21-7-4, Code of Alabama 1975, relating to rights of blind and disabled persons to have access to public places and accommodations, and to have the use of guide and hearing dogs, so as to provide for the use of assistance dogs by those persons.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 26 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Haynes:

H. 398. Relating to Talladega College, granting certain persons

employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 398 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner:

H. 41. To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 41 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Harvey:

H. 100. Proposing an amendment to the Constitution of Ala-

bama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 100 - to the Committee on Governmental Affairs/Local Government

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carter:

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions

and allow those affected officials to participate in the Employees' Retirement System.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 58 - to the Committee on Governmental Affairs/Local Government

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Foreign Trade Relations Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 25th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. John Dobbins of Huntsville, Alabama to serve as a member of the Alabama Foreign Trade Relations Commission effective August 24, 1994. He will be replacing

John W. Boone and his term will expire August 23, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 25th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 25th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Foster Clark of Birmingham, Alabama to serve as a member of the Alabama Trust Fund Board of Trustees. He will be replacing Red Blount and his term will expire October 1, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 25th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Trust Fund Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 25th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Whit Armstrong of Enterprise, Alabama to serve as a member of the Alabama Trust Fund Board of Trustees effective October 1, 1994. He will be replacing Foster Clark and his term will expire October 1, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 25th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Trust Fund Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Institute for the Deaf and Blind Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 25th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Rep. Clarence Haynes from Talladega, Alabama to serve as a member of the Alabama Institute for the Deaf and Blind Board of Trustees. He will be replacing Ray Robbins and his term will expire November 28, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 25th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Alabama Institute for the Deaf and Blind Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Foreign Trade Relations Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 25th day of January, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Sam Kelly of Montgomery, Alabama to serve as a member of the Alabama Foreign Trade Relations Commission effective August 24, 1994. He will be replacing J. Byard Swift and his term will expire August 23, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 25th day of January, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Foreign Trade Relations Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson:

HJR 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

WHEREAS, the Alabama Legislature strongly intends that any appropriation allocated to a state two-year postsecondary institution based on a formula based on credit hours taught is earned by any state two-year postsecondary institution upon the teaching of the credit hours; and

WHEREAS, the Alabama Legislature further intends that in the event a two-year postsecondary institution later discontinues a program for which an allocation was already earned, any appropriation allocation should be available to be redistributed by the institution to any other program or activity at the discretion of the institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expressly declares that it is the intent of the Legislature that any allocation of any appropriation to any two-year postsecondary institution based on a formula for credit hours taught is earned when the credit hours are taught and, in the event the program is later discontinued, any appropriation allocation based on credit hours already taught may be redistributed by the institution to any other program or activity at the institution at the discretion of the institution.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Little, the Rules were suspended and the Resolution, HJR 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hall (A) and Freeman:

HJR 48. REQUESTING THE ALABAMA ATTORNEY GENERAL TO FILE SUIT IN THE UNITED STATES SUPREME COURT AGAINST THE UNITED STATES GOVERNMENT, SPECIFIED U.S. GOVERNMENT DEPARTMENTS AND AGENCIES, AND THE OFFICIAL REPRESENTATIVES OF CERTAIN OTHER COUNTRIES ALLEGING VIOLATIONS OF THE CIVIL RIGHTS OF PRISONERS OF WAR OR MISSING IN ACTION AND TO DEMAND THAT DOCUMENTS CONCERNING THESE INDIVIDUALS BE RELEASED, AND ALSO URGING OTHER STATES TO JOIN IN THIS ACTION.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The Resolution, HJR 48, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim and Gaston:

HJR 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

By Reps. Johnson, Kennedy, and McClain:

HJR 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

Also:

By Reps. Gullatt and Higginbotham:

HJR 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

Also:

By Reps. Gullatt and Higginbotham:

HJR 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

Also:

By Rep. Richardson:

HJR 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Waggoner, the Rules were suspended and the Resolutions, HJR's 65, 66, 69, 70, and 71, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Hawkins:

HJR 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

Also:

By Rep. Hooper:

HJR 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

By Rep. Knight (J):

HJR 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

Also:

By Rep. Knight (J):

HJR 85. COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

Also:

By Rep. Sanderson:

HJR 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

Also:

By Rep. Haynes:

HJR 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

By Rep. Haynes:

HJR 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Waggoner, the Rules were suspended and the Resolutions, HJR's 74, 75, 84, 85, 86, 87, and 88, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

RESOLUTION

Senator Smith (J) offered the following Senate Joint Resolution, to-wit:

SJR 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Olin B. King of Huntsville, Alabama, for outstanding achievement and invaluable contributions to the Huntsville community and state; and

WHEREAS, Olin King is founder, chairman of the board, and chief executive officer of SCI, Inc., which he founded in 1961, and which, under his leadership, has grown to a 1.7 billion dollar "Fortune 500" electronics manufacturing firm; and

WHEREAS, Mr. King, the recipient of numerous awards and honors, was most recently recognized by the Chamber of Commerce with its Distinguished Service Award for his "generosity of time and dedication to the development and improvement in the quality of life of our community"; and

WHEREAS, Mr. King also has provided expert leadership and support to numerous civic, charitable and cultural organizations, and has further served such agencies as the Government Task Force for Economic Recovery for the State of Alabama, Alabama Trust Fund Board, and the Alabama Commission on Higher Education's Council of Twenty-One; and

WHEREAS, Mr. King who earned his B.S. degree from North Georgia College, completed graduate studies at Emory University and the University of Pennsylvania, and was awarded honorary doctorate degrees from the University of Alabama and the South Dakota School of Mines and Technology; and

WHEREAS, he is a United States Army veteran of the Korean War, and a former design engineer for RCA and engineering manager at the Army Ballistics Missile Agency and Marshall Space Flight Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to the Huntsville community and the State of Alabama, we hereby most highly commend Mr. Olin B. King of Huntsville, Alabama, for whom a copy of this resolution of sincere regard shall be provided.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Mathis, Clark (J), and Holley:

HJR 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

Also:

By Reps. Mathis, Carothers, and Beasley:

HJR 90. RECOGNIZING DOUG BRADFORD OF THE DOT-HAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

Also:

By Reps. Kvalheim and Gaston:

HJR 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

Also:

By Reps. Kvalheim and Gaston:

HJR 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Waggoner, the Rules were suspended and the Resolutions, HJR's 89, 90, 91, and 92, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston and Buskey:

HJR 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

Also:

By Rep. Gaston:

HJR 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

Also:

By Reps. Gaston and Kvalheim:

HJR 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

Also:

By Rep. Parker (T):

HJR 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Waggoner, the Rules were suspended and the

Resolutions, HJR's 93, 94, 95, and 98, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Waggoner:

S. 265. To amend Section 41-9-721, Code of Alabama 1975, to provide further for the appointment and term of members of the board of the Alabama Aviation Hall of Fame.

By Senators Corbett, Lindsey, Dial, and Barron:

S. 395. To amend Section 40-12-252, Code of Alabama 1975, to exempt private utility and boat trailers from registration requirements.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator and certain other specified disclosures; to provide that the provisions of this act confirm, clarify, and are declaratory of existing law and apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; and to provide for an effective date.

Senator Dixon, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Owens:

S. 113. To amend Sections 41-9-320, 41-9-325 to 41-9-328, inclusive, and Section 41-9-330, Code of Alabama 1975, to rename the Tannehill Furnace and Foundry Commission the Alabama Historic Ironworks Commission and broaden the scope of authority of the renamed commission to include the preservation and maintenance of historic ironworks and furnaces sites throughout the state.

By Senator Waggoner:

S. 121. To amend Section 10-4-20, Code of Alabama 1975, relating to the incorporation of churches, certain public societies, and graveyard owners, to further provide for the number of trustees.

By Senator Lindsey:

S. 379. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

By Senator Foshee:

S. 402. To amend Section 9-11-245, Code of Alabama 1975, relating to certain unlawful methods of hunting birds or animals protected by law or regulation, so as to further provide for the use of a scaffold or tree stand for gun hunting of all legal game species except wild turkey.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof):

S. 117. To amend Section 1 of Act No. 92-403, H. 771, 1992

Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

By Rep. Letson (With Notice and Proof):

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

By Rep. Layson (With Notice and Proof):

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

By Rep. Gullatt (With Notice and Proof):

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

By Rep. Gullatt (With Notice and Proof):

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

By Rep. Collins (With Notice and Proof):

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

By Rep. Letson (With Notice and Proof):

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

By Rep. Clark (J):

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

The above Bill was read a second time at length as required by the Constitution.

RESOLUTIONS

Senator Bolling offered the following Senate Joint Resolution, to-wit:

SJR 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Chris LeMay, a Lawrence County native and a pre-engineering student at Bevill State Community College in Fayette, Alabama, was one of only two undergraduates chosen from hundreds of applicants from across the nation to attend the 1993 NASA Summer Faculty Fellowship Program at Johnson Space Center in Houston, Texas; and

WHEREAS, Chris, the son of Mr. and Mrs. Neil LeMay, was selected for the honor on the recommendations of Dr. Bobby Roberson, a NASA Fellowship recipient, chemistry instructor, and chairman of the Math-Science Division at Bevill State; Bevill State president, Harold Wade; and Alabama Senator George Bolling; and

WHEREAS, as a program participant, Chris was not only provided the unique opportunity to observe all aspects of America's space program and to meet and talk with astronauts and some of the leading space scientists in America, but also assisted Dr. Roberson with his project and subsequent report concerning resource recovery from waste materials generated in space; and

WHEREAS, Chris is indeed an exceptional young man, who has

excelled academically, as evidenced by the many scholarships he has received, and also in college athletics including varsity football, baseball, and basketball; extracurricular activities such as the Student Council, Spanish Club and Fellowship of Christian Athletes; and through volunteer service to his community; and

WHEREAS, in tribute to his accomplishments, Chris has received a number of honors and awards including Academic All-American, Valedictorian, National Honor Society, National Mathematics Awards and Who's Who Among Students in American High Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a participant in the 1993 NASA Summer Faculty Fellowship Program, we hereby most highly commend Chris LeMay, in whom we are justly proud, and for whom a copy of this resolution shall be provided.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders offered the following Senate Joint Resolution, to-wit:

SJR 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

WHEREAS, each of us must take immediate responsibility for our personal health; and

WHEREAS, we often pursue priorities other than our personal health; and

WHEREAS, our personal health is vital for our individual lives and fundamental to our family health and our community health; and

WHEREAS, every person should eat healthfully, drink healthfully, exercise vigorously, get medical attention, and take reasonable preventive health care measures; and

WHEREAS, the Legislature desires that personal health development be encouraged throughout the state, and it is the consensus of this body that a designation of 1994 as Personal Health Care Year in Alabama would serve to foster greater personal health care awareness; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated Personal Health Care Year in the State of Alabama and we do further urge that the county commissions, municipalities, boards of education, churches, and the various civic and community organizations in Alabama join the Legislature in its endeavors to promote greater health care awareness throughout our state.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Bolling offered the following Senate Joint Resolution, to-wit:

SJR 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the selection of Dr. Bobby Roberson, chemistry instructor and Chairman of the Math-Science Division at Bevill State Community College, as a NASA Summer Faculty Fellowship recipient for 1993; and

WHEREAS, for the second consecutive year, Dr. Roberson was chosen to return to Johnson Space Center in Houston, Texas, where for 11 weeks he resumed work on the project he had begun as a NASA Fellow in the summer of 1992 involving the recovery of reusable resources from waste materials generated in space, a process to be used in future manned-base construction on the moon and the planet Mars; and

WHEREAS, Dr. Roberson, who holds Bachelor's, Master's, and Ph.d degrees from Auburn University, has been highly acclaimed for his outstanding work and invaluable contributions to the NASA space program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a NASA Summer Faculty Fellowship participant, (1992 and 1993), we hereby most highly commend Dr. Bobby Roberson, whose accomplishments reflect most highly upon Bevill State College, the Alabama College System, and the state, and for whom a copy of this resolution shall be provided.

On motion of Senator Bolling, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 30. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Eighth Legislative day only.

	Page
S. 67	4
Medical scholarships, max. amt. incr., procedure alt., Secs. 16-47-121, 16-47-123 through 16-47-128 am'd.	
S. 293	14
Banks, automated teller machines, transaction fee, Sec. 5-5A-30 am'd.	
S. 344	47
Nonprofit county hospital corps., cert., sales and use tax exemption, Sec. 40-23-5 am'd.	
S. 8	10
Absentee voting, administration further provided, penalties, Secs. 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8 am'd.	
S. 282	41
Livestock, definition alt., Secs. 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, 2-15-150 am'd.	
S. 82	50
Metal recyclers of nonferrous metals, req. to keep records, inspection by law enforcement officers, purchases and sales reg., civil remedies to proper owner, criminal penalties	
S. 202	34
Firearms and cert. weapons, banned from school prop., activities and transportation, penalties	
S. 95	17
Magic Moments, Inc., exempted from all st., co., and mun. sales and use taxes	

REGULAR SESSION
8th Day

609

S. 264	37
Business Corporation Act, corps., organizations, admission, consolidation, merger, dissolution, powers, and duties further provided, Secs. 40-14-4, 40-14-21 am'd.; all of Title 10, Ch. 2A (with the exception of 17 secs.) repealed	
S. 87	50
Regional planning and development commissions, powers and duties expanded, Sec 11-85-56 am'd.	
S. 5	12
Plumbers and Gas Fitters Examining Board, appt. of deputy dir., duties, comp., Secs. 34-37-4, 34-37-5 am'd.	
S. 37	49
Unpaved roads, max. speed limit, 25 mph, Secs. 32-5A-171, 32-5A-173 am'd.	
S. 246	34
To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship	
S. 59	8
Board of Electrical Inspections Act estab., licensing of electricians and electrical contractors, provide for inspections and penalties	
S. 119	43
Real Estate Appraisers Bd., licensing of real estate appraisers for any real estate transaction, Secs. 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, 34-27A-9 to 34-27A-20, 34-27A-22 to 34-27A-27 and 34-27A-29 am'd.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 67, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Fig-

ures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -24

Nays:

- 0

SPECIAL ORDER BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

Senator Smith (J) offered the following amendment to the Bill, SB 67, to-wit:

AMENDMENT TO SB 67

Amend SB 67 as introduced on page 8, line 10 by striking the reference "36-47-126" and inserting in lieu thereof the reference "16-47-126".

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -21

Nays:

- 0

And said Bill, SB 67, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 293, adopted.

Yeas 19 Nays 2

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -19

Nays:

Senators:

Amari and Underwood

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term “automated teller machine” for the term “automatic unmanned cash dispensing machine”; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 2

Yeas:

Senators:

Amari, Bailey, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Foshee, Ghee, Hale, Hill, Lindsey, Lipscomb, Mitchell, Owens, Parsons, Underwood, and Waggoner -21

Nays:

Senators:

Little and Sanders - 2

BUDGET ISOLATION RESOLUTION

Senator Hale, B.I.R., SB 344, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Horn, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), and Waggoner -21

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 344. To amend Section 40-23-5, Code of Alabama 1975, to provide further for sales and use tax exemptions for certain organizations and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 2

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-

8th Day

Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Owens,
Underwood, Waggoner, and Windom -20

Nays:

Senators:

Little and Sanders - 2

THE BILL:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

was taken up.

On motion of Senator Ghee, the Rules were suspended and further consideration of the Bill SB 8, was postponed subject to the call of the Chair.

THE BILL:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 282, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 82, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon,
Ellis, Escott-Russell, Floyd, Ghee, Hill, Horn, Lindsey, Lipscomb, Mitchell,
Owens, Parsons, Sanders, and Waggoner -21

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 82. Requiring secondary metals recyclers to maintain records of the purchase of certain metals; to permit law enforcement officers to inspect these records and metals and to place a hold on the sale of these metals; to permit certain parties to bring a civil action to determine ownership of these metals and to provide for certain restitution; to exempt certain entities; to regulate the hours of sale of these metals; to prohibit giving false statement of ownership or false identification; and to prescribe certain criminal penalties.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Horn, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, and Waggoner -21

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 202, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Barron, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Horn, Lindsey, Mitchell, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school;

to define the word "possession"; to provide for exceptions; and to prescribe penalties.

was taken up.

On motion of Senator Dixon, the Rules were suspended and further consideration of the Bill, SB 202, was postponed temporarily.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

DON HALE,
Chairperson.

BUDGET ISOLATION RESOLUTION

Senator Bedsole requested and received permission to suspend the Rules in order to bring up the Bill, SB 282.

Senator Bedsole, B.I.R., SB 282, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -22

Nays:

- 0

FURTHER CONSIDERATION OF SB 282

The Senate proceeded to further consideration of the Bill, SB 282.

Senator Bedsole offered the following amendment to the Bill, SB 282, to-wit:

AMENDMENT TO SB 282

Page 2, line 20, remove the overstrike, delete the underlined language on lines 20 and 21, and insert between the words "swine and" the following:

, ratites

Page 4, line 24, remove the overstrike on lines 24 and 25, delete the underlined language on lines 25 and 26, and insert after the word "goats," on line 24 the following:

ratites.

Page 6, line 23, remove the overstrike on lines 23 and 24, delete the underlined language on lines 24 and 25, and insert after the word "goats" on line 24 the following:

, ratites.

Page 8, line 23, remove the overstrike on lines 23 and 24, delete the underlined language on lines 24 and 25, and insert after the word "goats," on line 23 the following:

ratites.

Which was adopted.

Yeas 17 Nays 0

Yeas:

Senators:

Bedsole, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Owens, Sanders, Waggoner, and Windom -17

Nays:

- 0

The President Pro Tempore and Presiding Officer of the Senate declared a quorum present but not voting.

**REGULAR SESSION
8th Day**

617

And said Bill, SB 282, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., SB 95, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Underwood, Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 95. To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Corbett, Denton, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Owens, Smith (J), Underwood, Waggoner, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 264. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

was taken up.

On motion of Senator Ellis, the Rules were suspended and further consideration of the Bill, SB 264, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 87, adopted.

Yeas 20 Nays 1

Yeas:

Senators:

Bailey, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, and Windom -20

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 87. To amend Section 11-85-56, Code of Alabama 1975, to expand the powers and duties of regional planning and development commissions.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Waggoner, Wilson, and Windom -22

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Amari, B.I.R., SB 5, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Corbett, deGraffenried, Denton, Ellis, Escott-Russell, Figures, Ghee, Hale, Hill, Lindsey, Little, Mitchem, Sanders, Waggoner, Wilson, and Windom -17

Nay: Senator Underwood - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 5. To amend Sections 34-37-4 and 34-37-5 of the Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for the appointment of a deputy director for the board; and to provide for the duties and compensation of the deputy director.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 16 Nays 2

Yeas:

Senators:

Bailey, Campbell, Denton, Ellis, Escott-Russell, Figures, Hale, Lindsey,

Little, Mitchell, Mitchem, Owens, Sanders, Waggoner, Wilson, and Windom -16

Nays:

Senators:

Hill and Underwood - 2

BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., SB 37, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Ellis, Escott-Russell, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Wilson, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 37. To amend Sections 32-5A-171 and 32-5A-173, Code of Alabama 1975, as amended, which relate to maximum speed limits so as to provide that the maximum speed limit on unpaved roads shall be 25 miles per hour except as otherwise provided.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Ghee, Langford, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Wilson, and Windom -20

Nays:

- 0

Senator Barron moved that the Senate reconsider the vote by which the Bill, SB 37, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 8, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

FURTHER CONSIDERATION OF SB 8

The Senate proceeded to further consideration of the Bill, SB 8.

On motion of Senator Mitchell, the Rules were suspended and further consideration of the Bill, SB 8, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Little, B.I.R., SB 246, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 246. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 246, to-wit:

AMENDMENT TO SB 246

Amend Senate Bill 246, on Page 1, Line 21, as follows:

By inserting after the word “nationals” the language “who are convicted offenders”

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -24

Nays:

- 0

And said Bill, SB 246, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 59. To establish the Board of Electrical Inspections and an Electrical Division within the Alabama Department of Labor; to provide for the certification and recertification of those performing electrical work within the scope of the National Electrical Code; to provide for standards and the inspection of electrical work; to provide for exceptions; and to provide penalties for practicing without; and to provide for the collection of fees.

was taken up.

On motion of Senator Denton, the Rules were suspended and further consideration of the Bill, SB 59, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Denton requested and received permission to suspend the Rules in order to bring up the Bill, SB 27.

Senator Denton, B.I.R., SB 27, adopted.

Yeas 24 Nays 0

Yeas:

Sensors:

Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 27. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Sensors:

Barron, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 119, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd,
Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens,
Parsons, Sanders, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

was taken up.

The Standing Committee on Economic Affairs reported the following amendment the Bill, SB 119, to-wit:

AMENDMENT TO SB 119

On page 7, delete lines 22 to 27, inclusive, and insert in lieu thereof the following:

party as to the recommended purchase price of real estate; ~~or and this chapter shall not apply to~~ any employee, officers, director, partner, or similar person making a valuation, analysis, market study, or other appraisal for his or her employer or principal, including those related to any real estate related financial transactions for or on behalf of a financial institution. The words 'employer or principal' as used in this subsection shall include any subsidiary, parent, affiliate, or partner of the direct employer or principal. This chapter shall not require now or in the future any person who lists or otherwise offers property for sale to have an appraisal of that property.

Which was adopted.

Yeas 20 Nays 0

REGULAR SESSION
8th Day

625

Yeas:

Senators:

Barron, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Floyd, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, and Windom -20

Nays:

- 0

And said Bill, SB 119, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Barron, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 9 SJR 12 SJR 20 SJR 21 SJR 23 SJR 25

Delivered to the Governor, February 1, 1994, at 1:25 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:05 P.M., on motion of Senator Mitchell, in accordance with Motion heretofore adopted, the Senate adjourned until Thursday, February 3, 1994, at 9 o'clock A.M.

NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 3, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Martel Pace, Pastor, Vaughn Park Church of Christ, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Elizabeth Yarbrough, Auburn Junior High School, Auburn, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-34

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senator Smith (B) for today.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 8, 1994, at 10 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 445. To amend Section 16-5-4, Code of Alabama 1975, to remove the requirement that the Director of the Alabama Commission on Higher Education be reconfirmed by the Senate every four years.

Committee on Confirmations

By Senator Little:

S. 446. Relating to insurance, to provide further for the qualifications of property and casualty insurance agents by requiring an applicant for license who is not a United States citizen to be a citizen of Canada or a permanent resident under United States immigration laws and a resident of this state, to delete certain residential requirements for agents prior to applying for license; to allow anyone residing or maintaining an established office in a populous community or trade area, lying partly in Alabama and partly in an adjoining state, to be a resident agent of this state; to require that agents be "trustworthy," and to change the line of insurance exempt from the written examination from "personal property insurance" to "physical damage coverage on household goods," and for these purposes to amend Section 27-7-5, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senator Windom:

S. 447. Relating to the sales and use tax; to further provide for the collection of sales or use tax on the installation of a product for a tax exempt entity by the manufacturer of the product; to amend Sections 40-23-120 and 40-23-121, Code of Alabama 1975, to further provide for the good faith collection of the tax; and to provide for retroactive effect.

Committee on Finance
and Taxation

By Senator Owens:

S. 448. To reopen the Employees' Retirement System to provide for purchase of certain military service credit.

Committee on Finance
and Taxation

By Senator Owens:

S. 449. Relating to insurance; to allow a group of incorporated insurers to be an approved reinsurer, with certain exceptions and requirements; to require that the reinsurers set up a trust in a form approved by the Commissioner of Insurance and make annual reports to the commissioner regarding the balance in the trust; and for this purpose to amend Section 27-5-12, Code of Alabama 1975.

Committee on Banking
and Insurance

By Senators Bailey and Dixon:

S. 450. To designate the Alabama Independent School Association as the official in-state accrediting agency for non-public and private schools in Alabama.

Committee on Education

By Senator Dial:

S. 451. Proposing an amendment to the Constitution of Ala-

bama of 1901, providing for a Proration Reduction Trust Fund to be used to offset the effects of proration in the Special Educational Trust Fund.

Committee on Finance
and Taxation

The above Bill was read a first time at length as required by the Constitution.

By Senator Bailey:

S. 452. To amend Chapter 5 of Title 30, Code of Alabama 1975, to provide further for protective orders for the purposes of preventing domestic abuse; to further define the persons covered and criminal actions constituting abuse; to provide for court jurisdiction and venue; to provide for court hearings for petitions for relief; to provide for the contents and the issuance of protection orders; to provide that the remedies and relief and penalties are cumulative; and to provide misdemeanor penalties for violations of protection orders.

Committee on Judiciary/Civil

By Senator Lindsey:

S. 453. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify the original intent of an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil or gas from the Conservation and Production Tax and the Privilege Tax.

Committee on Energy and
Natural Resources

By Senator Dial:

S. 454. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

Committee on Governmental
Affairs/State Administration

By Senator Parsons (With Notice and Proof):

S. 455. Relating to Jefferson County; to fix the salary of the Deputy Judge of Probate for the Bessemer Division.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 455, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis:

S. 456. To create a new circuit judgeship in the Eighteenth Judicial Circuit.

Committee on Finance
and Taxation

By Senator Escott-Russell:

S. 457. To amend Section 25-4-72 of the Code of Alabama 1975, relating to unemployment compensation weekly benefits, to increase the maximum of such benefit.

Committee on Business
and Labor Relations

By Senator Waggoner (With Notice and Proof):

S. 458. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, of the 1973 Regular Session (Acts 1973, p. 2124), as amended, relating to the City of Birmingham Retirement and Relief System; providing for a cost-of-living retirement benefit for retired employees of the Jefferson County Board of Health and their designated survivors receiving compensation from the system at the date of the passage of this act.

Committee on Local
Legislation No. 2

I hereby certify that the notice and proof is attached to the Bill, SB 458, as required in the General Acts of Alabama, 1975, Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Escott-Russell:

S. 459. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

Committee on Business
and Labor Relations

BILL RE-REFERRED

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, requested and received permission to suspend the Rules in order to bring up the Bill:

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

having been reported favorably from the Standing Committee on Local Legislation No. 1, read a second time and placed on the calendar on the Eighth Legislative Day, pursuant to the provisions of Senate Rule 51(b), should have been re-referred to appropriate Committee.

The President Pro Tempore and Presiding Officer of the Senate ordered said Bill, HB 112, removed from the calendar and referred to the Standing Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Johnson, Flowers, Hall (A), Letson, Gaston, Haynes, Kvalheim, and Freeman:

H. 139. To amend Section 34-24-337, Code of Alabama 1975,

by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 139 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

Also:

By Rep. Freeman:

H. 258. To amend Section 34-30-22 of the Code of Alabama 1975, to provide for the qualifications for a licensed bachelor social worker.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

HB 241 - to the Committee on Judiciary/Civil

HB 258 - to the Committee on Governmental Affairs/State Administration

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 208. Authorizing the Department of Mental Health and Mental Retardation to use the Alabama Criminal Justice Information System to secure criminal history background information on certain persons the department employs or contracts with, or both, to be direct care providers.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (J), Hale, Dial, and Waggoner:

S. 444. To establish a Child Care Commission with certain re-

sponsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

By Rep. Harper:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Amendment):

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 191. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (With Amendment):

H. 248. To authorize the Department of Revenue to enter into the International Fuel Tax Agreement as mandated under the Federal Intermodal Surface Transportation Efficiency Act of 1991; to amend Section 40-17-150, Code of Alabama 1975, to provide for the recovery of administrative costs incurred in issuing identification markers; to appropriate funds to the Department of Revenue; and to repeal Section 40-17-151, Code of Alabama 1975, relating to sales by distributors.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 190. To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

By Rep. Harper:

H. 189. To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

By Rep. Harper:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 185. To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

By Rep. Harper:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 178. To make an appropriation from the State General Fund

to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute, As Amended):

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harper:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Rep. Harper:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Substitute):

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 348. To amend Section 12-17-40, Code of Alabama 1975, relating to supernumerary circuit judges, so as to provide further for the individuals who may qualify as supernumerary judges.

By Senator Horn:

S. 424. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

By Senator Foshee:

S. 430. To make a supplemental appropriation from the State General Fund in the State Treasury to the Alabama Ethics Commission for the fiscal year ending September 30, 1994.

By Senator Horn:

S. 401. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1995.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Substitute, As Amended):

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 65. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; and to provide penalties for violations.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Waggoner (With Substitute):

S. 94. To amend Section 13A-14-2, Code of Alabama 1975, relating to executive or secret sessions of the Alabama Public Service Commission, school commissions of Alabama, Board of Adjustment, state or county tax commissions, any county commission, any city commission or municipal council, or any other body, board, or commission in the state charged with the duty of disbursing funds belonging to the state, county, or

municipality, or board, body, or commission to which is delegated any legislative or judicial function; to provide additional exceptions to the law when the board, body, or commission meets with its attorney to obtain advice regarding present and pending litigation and when any board, body, or commission holds a discussion regarding the price the board, body, or commission will consider in the purchase or sale of real property.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 107. To provide for the offense of filing a false official complaint against a law enforcement officer; to provide penalties; and to provide that any civil remedy or right which a law enforcement officer may have against a person filing a false official complaint would be preserved.

By Senators Owens and Smith (J):

S. 112. Relating to the offense of driving under the influence of alcohol and drugs; to amend Sections 32-5A-191 and 32-5A-194, Code of Alabama 1975, to reduce the blood alcohol level necessary to create the presumption of driving under the influence; to require the Director of the Department of Public Safety to suspend the driver's license or permit of any person the department determines was driving or in actual control of a motor vehicle with a blood alcohol level of 0.08 percent or more or who refused to take the blood alcohol test required under existing law; to provide for the due process procedural requirements and to exempt certain proceedings from the Alabama Administrative Procedure Act; and to provide an effective date.

By Senators Mitchem and Windom:

S. 269. To amend Section 13A-5-40 of the Code of Alabama 1975, relating to crimes punishable as capital offenses so as to further amplify and specify as capital offenses the crimes of murder committed by or through the use of a deadly weapon fired or otherwise used from outside a dwelling while the victim is in a dwelling, murder committed by or through the use of a deadly weapon while the victim is in a vehicle, and murder committed by or through the use of a deadly weapon fired or otherwise used within or from a vehicle; and to include a savings provision relating to

proceedings pending and rights and liabilities existing, acquired, or incurred prior to and as of the effective date of this act.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 328. To revise the present bail system, by specifically defining the types of bond and to establish rules, regulations, and laws to guarantee that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer criminal charges; to establish a secure form of property bond; to establish laws that ensure speedy release on bond; to establish laws that ensure the payment to the State of Alabama and its subdivisions of monies owed from defaults of bond; to expressly repeal Act No. 93-677, S. 422, 1993 Regular Session, now appearing as Sections 15-13-100 to 15-13-164, inclusive, Code of Alabama 1975, Sections 15-13-61, 15-13-62, 15-13-63, 15-13-81, and 15-13-82, Code of Alabama 1975, and Act No. 93-901, S. 25, 1993 First Special Session; and to amend Section 15-13-80, Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 340. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10 of the Code of Alabama 1975.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendment):

S. 369. To provide that any person who has attained the age of

16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult, and that any person who has not attained the age of 16 years but who has attained the age of 14 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed criminal offenses, shall be subject to the jurisdiction of the juvenile court but shall be transferred to criminal court for criminal prosecution as an adult under certain circumstances; to specify the burden of proof and persuasion as well as certain additional criteria to be considered on the transfer question; to provide further for written orders when the juvenile court does not order such persons transferred to criminal court; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 384. To provide for the crimes of assault in the first, second, and third degree on judicial officials; to provide for the crime of threatening a judicial official; to provide for the crime of harassment and harassing communication of a judicial official; to further provide and specify the power of the Supreme Court to adopt rules relating to court and judicial security; and to provide penalties for violations.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 30. Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110

through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Wilson, Langford, Lindsey, Bailey, Windom, Waggoner, Dixon, Ellis, Little, Lipscomb, Corbett, Escott-Russell, Barron, Horn, Hale, Campbell, and Figures (With Substitute):

S. 243. Relating to energy conservation, production, and efficiency in the State of Alabama; to adopt a state energy policy; and to provide that the Science, Technology and Energy Division of the Alabama Department of Economic and Community Affairs shall be the state entity to coordinate and implement a state energy plan in compliance with the federal Energy Policy Act of 1992.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee, Windom, Bedsole, and Figures:

S. 407. To create and establish the Alabama High School Legislative Leadership Academy at the University of South Alabama.

By Senator Little:

S. 409. To amend Sections 41-9-550 and 41-9-553, Code of Alabama 1975, to provide further for the quorum of the board of directors of the Alabama Women's Hall of Fame; to allow meetings of the board to be held by telephone provided that advance written notice is given all members of the board; and to provide further for the annual appropriation made to the board.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (B) (With Substitute):

S. 359. To provide for a construction industry craft training education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Training Board; and to impose a construction permit surcharge to fund a construction industry craft training program.

By Senator Sanders (With Substitute):

S. 49. To authorize local school boards to implement a mandatory student uniform dress program for all students in kindergarten to grade 12, inclusive.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Floyd and Foshee:

S. 277. To require each person who discharges water pollution directly into the waters of the state and who possesses a water pollution control permit, to post a conspicuous sign near the point of discharge informing the public of any toxic pollutants contained in the discharges; to provide for notice of violations for remedial purposes; and to provide for penalties for violations for enforcement of the requirements of this act.

By Senator Bedsole:

S. 281. Relating to environmental testing or analysis of environmental samples in this state; to authorize the Alabama Department of Environmental Management by rule and regulation to regulate environmental laboratories; to charge and collect fees for laboratory certification; to provide civil enforcement and administrative appeals; and to provide criminal penalties.

Senator Foshee, Chairperson of the Standing Committee on Com-

merce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Campbell, Barron, Denton, Dial, Hill, Little, Waggoner, Bolling, Langford, Bedsole, Hale, Owens, Ellis, Dixon, Ghee, and Parsons
(With Amendment):

S. 299. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 367. To amend Section 37-1-11 of the Code of Alabama 1975, relating to compensation of the members of the Public Service Commission so as to further provide for the compensation of the members of the Public Service Commission and to provide for a method of periodically reviewing the salaries of the members of the Public Service Commission by the State Personnel Board, for a recommendation to the Governor concerning the salaries, and for either an approval or disapproval of a salary increase by the Governor.

By Senator Foshee:

S. 390. To amend Section 23-1-5, Code of Alabama 1975, to

increase the income level of certain utilities receiving costs of relocation of certain facilities necessitated by construction of certain highways.

By Senator Hale:

S. 392. To amend Section 22-28-22, Code of Alabama 1975, relating to the Alabama Air Pollution Control Act, to prescribe fines for certain violations of the act.

By Rep. Freeman:

H. 91. To amend Section 40-25-18, Code of Alabama 1975, to allow county licensing and tax officials to levy an additional penalty on persons possessing untaxed tobacco products.

Senator Bolling, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senators Bolling, Barron, and Mitchem (With Substitute, As Amended):

S. 403. To prohibit prescription drug manufacturers from discriminating in price between retail pharmacies which purchase similar volumes and whose purchases involve similar billing and distribution costs for the seller; to provide that the anti-discrimination provisions of the bill do not apply to the sale or donation of drugs for bona fide charitable purposes; to provide that a purchaser or the Attorney General may seek injunctive relief for violations of the provisions of the bill; and to provide that an injured party may also sue for damages caused by price discrimination.

Senator Ghee, Chairperson of the Standing Committee on Constitution and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 92. To propose a constitutional amendment to amend Sections 6.17 and 6.18 of Amendment 328 of the Constitution of Alabama of 1901, establishing the Judicial Inquiry Commission and the Court of the Judiciary, to provide that the District Judges' Association shall appoint two

district judges to serve as members of the Judicial Inquiry Commission and Court of the Judiciary.

The above Bill was read a second time at length as required by the Constitution.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Notice and Proof):

S. 114. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

By Senator Campbell (With Notice and Proof):

S. 428. Relating to Morgan County; to amend Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to the process of service and its methods by the county and collection of fees as provided by law by the sheriff or the deputy sheriff, by providing that the sheriff or the deputy sheriff shall personally serve subpoenas.

By Rep. Parker (P) (With Notice and Proof):

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

By Rep. Clark (J) (With Notice and Proof):

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

Senator Barron, Chairperson of the Standing Select Committee on Fiscal Responsibility, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale and Dial:

S. 431. To provide that a person requesting medical records shall pay certain costs for reproduction and delivery of the medical records, and pay for the medical records at delivery.

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 418. To define the criteria for determining who is an "archaeologist."

By Senator Corbett:

S. 443. To establish a Child Care Commission with certain responsibilities for planning, coordinating, reviewing and making recommendations for enhancing the quality of child care in Alabama.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 135. To amend Section 11-3-4.1 of the Code of Alabama 1975, relating to the compensation of the members and chair of the several county commissions, so as further provide for the minimum compensation.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Campbell (With Amendment):

S. 115. To amend Section 11-24-1, Code of Alabama 1975, which authorizes a county to regulate lot size, streets, drainage, and utilities

in proposed subdivisions and to authorize additions to proposed subdivisions in a county to regulate manufactured home parks; to provide that counties may employ inspectors and charge inspection fees from the owners of property inspected; and to provide for criminal penalties for violations of Chapter 24 of Title 11 of the Code of Alabama 1975, and any rules or regulations made pursuant to the chapter.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carter (With Substitute):

H. 58. Proposing an amendment to the Constitution of Alabama of 1901, to prohibit the establishment of supernumerary positions and allow those affected officials to participate in the Employees' Retirement System.

The above Bill was read a second time at length as required by the Constitution.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Horn:

S. 354. To amend Section 11-99-6, Code of Alabama 1975, as amended, to authorize the pledge of the increase in other revenue and fees, in addition to property taxes, resulting from development in a tax increment district.

By Rep. Harvey:

H. 100. Proposing an amendment to the Constitution of Alabama of 1901; to provide certain county ad valorem tax officials may participate in the Employees' Retirement System or other county retirement systems in lieu of participating in a supernumerary program or system; to make acts ineffective which allow members of any of the Retirement Systems of Alabama to purchase credit toward retirement without paying the full actuarial cost; to make acts ineffective which provide a benefit under

any of the Retirement Systems of Alabama which is not applicable to all members of the retirement system or fund for which the benefit is provided; to provide for termination of benefits for a member of any of the Retirement Systems of Alabama who is convicted of a felony related to service upon which the benefit is based; to require the Legislature to fully fund cost-of-living adjustments granted by law to members of any of the Retirement Systems of Alabama; to terminate participation in the retirement systems by certain private organizations; and to prohibit granting of service credit for service rendered to public and quasi-public organizations.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, and Hooper:

H. 109. Providing that topless, bottomless, or nude dancing for monetary consideration is unlawful in any county with a Class III municipality and prescribing penalties for enforcement.

By Reps. Butler, Sanderford, Haney, Freeman, Hall (A), McKee, Mikell, Powell, and Hooper:

H. 110. Authorizing the county commission of any county with a Class III municipality to prohibit, by ordinance, topless, bottomless, or nude dancing for monetary consideration and to prescribe penalties to enforce the ordinance.

By Rep. Turner:

H. 41. To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

S. 397. To amend Section XV of Act No. 470, H. 952, Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, p. 298),

as amended, which established the county-wide civil service system in Mobile County, to provide the procedures for filling vacancies by appointment in the classified service.

By Rep. Zoghby (With Notice and Proof):

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (With Notice and Proof) (With Substitute):

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Substitute, As Amended):

S. 338. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; and to prescribe fines and penalties for violations of this act.

REPORT FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Kendrick from Orrville, Alabama to serve as a member of the Alabama Farmers' Market Authority. Mr. Kendrick will be replacing George Kaiser and his term will expire November 23, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Floyd, Foshee, Hale, Hill, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -24

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 246. To allow the transfer of foreign nationals who are convicted offenders imprisoned in Alabama to the country of their citizenship.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 282. To amend Sections 2-15-20, 2-15-43, 2-15-60, 2-15-118, 2-15-131, and 2-15-150 of the Code of Alabama 1975, to provide a new definition of livestock for specified purposes.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 119. To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

DON HALE,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

HJR 65. HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

Also:

HJR 66. HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

Also:

HJR 67. EXPRESSING THE INTENT OF THE LEGISLATURE CONCERNING THE ALLOCATION OF APPROPRIATIONS TO TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

Also:

HJR 69. COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

Also:

HJR 70. COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

Also:

HJR 71. COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

Also:

HJR 74. COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

Also:

HJR 75. COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

Also:

HJR 84. HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

Also:

HJR 85. COMMENDING DAVID ENNIS MCCORVEY, THE

1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

Also:

HJR 86. HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

Also:

HJR 87. COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

HJR 88. CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

Also:

HJR 89. HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

Also:

HJR 90. RECOGNIZING DOUG BRADFORD OF THE DOT-HAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

Also:

HJR 91. MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

Also:

HJR 92. COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

Also:

HJR 93. COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

Also:

HJR 94. COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

Also:

HJR 95. MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

Also:

HJR 98. COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

GREG PAPPAS,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF REPORT FROM CONFIRMATIONS

The Senate proceeded to further consideration of the appointment of Mr. Bill Kendrick to the Alabama Farmers' Market Authority, as amended.

Senator Foshee moved that the confirmation of Mr. Kendrick, as amended, be re-committed to the Standing Committee on Confirmations.

The President Pro Tempore and Presiding Officer of the Senate ordered said confirmation re-committed to the Standing Committee on Confirmations.

RESOLUTIONS

Senator Dixon offered the following Senate Joint Resolution, to-wit:

SJR 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Which was read and referred to the Standing Committee on Rules.

Senator Hill offered the following Senate Joint Resolution, to-wit:

SJR 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

WHEREAS, Talladega College was founded in 1865 by freedmen and is the oldest private Historically Black College in the State of Alabama; and

WHEREAS, Talladega College is a distinguished institution of higher education with a respected history of service to the citizens of the State of Alabama, and others; and

WHEREAS, Talladega College is honored as the second greatest producer of African-American Ph.D. recipients in the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the highway in Talladega County, now known as "Highway 77," is hereby named and designated, and shall henceforth be known as "Historic Talladega College Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said "Historic Talladega College Highway."

RESOLVED FURTHER, That a copy of this resolution be provided for presentation to President Joseph B. Johnson of Talladega College.

On motion of Senator Hill, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 117, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-

**REGULAR SESSION
9th Day**

659

Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Underwood, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING

THE BILL:

S. 117. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 146, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson
-25

Nays:

- 0

THE BILL:

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

was taken up.

On motion of Senator Hale, the Rules were suspended and further consideration of the Bill, HB 57, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 95, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 96, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Ses-

sion, relating to the establishment of fire districts in Russell County.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Floyd, Foshee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 147, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Foshee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn,

**REGULAR SESSION
9th Day**

663

Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, and Waggoner -25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R, HB 238, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Waggoner, and Windom -25

Nays: - 0

RESOLUTION

The Standing Committee of Rules offered the following Senate Resolution, to-wit:

SR 33. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in

the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Ninth Legislative day only.

	Page
S. 419	48
Banks, only disclosure required under Mini Code are the ones required by Supt. of Banks, Sec. 5-19-6 am'd.	
S. 86	29
Indigent defense services, contract counsel system, county use provided, Secs. 15-12-1, 15-12-4, 15-12-25 am'd.	
S. 292	46
Acts of Alabama, 1992 2nd Sp. Sess. and 1993 Reg. Sess., codified	
S. 83	3
Insurance, agents may collect fee on unpaid balances of delinquent premiums, Secs. 51-9-31, 27-40-2, 27-12-17 am'd.	
S. 313	46
State employees in the classified service, protected from discrimination for reporting violations of laws, rules, or regulations, estab. a civil cause of action, statute of limitations	
S. 283	45
Athletic Agents Regulatory Commission, Secretary of State added to bd., Sec. of St. to supervise registration, Secs. 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, 8-26-26 am'd.	
S. 56	2
Insurance Holding Company System Regulatory Act, estab., for compliance with model act adopted by National Association of Insurance Commissioners, Secs. 27-29-1 to 27-2-5 am'd.	
S. 16	28
Human Resources Dept., co. dept. investigation of child abuse or neglect, written notice of final status and disposi-	

REGULAR SESSION
9th Day

665

tion shall be given to parent or custodian of chld subj. to report, Sec. 26-14-7 am'd.

S. 285 14

Talladega College, persons employed as police officers granted police powers, cert. qualifications required, Sec. 16-22-1 am'd.

S. 125 15

Education Technology Fund estab., approp.

S. 212 37

Recreational trail system estab. in Conservation and Natural Resources Dept., Rails to Trails Program estab., reclaim abandoned railroads

S. 7 5

Peace office, crime of assaulting, changed from misdemeanor to a felony, Secs. 13A-6-20, 13A-6-22 am'd.

S. 262 2

Russell County and Bakerhill Water Authorities utility sales tax exempt, Sec. 40-21-82.1 am'd.

S. 77 33

Prisoners sentenced for less than life terms, civil disabilities and operation of statute of limitations removed for cert. civil actions and other prop. rts., Sec. -2-8 am'd.

S. 28 36

Marine Environmental Sciences Consortium, Bd. of Dirs., chief off. of memb. institution may designate replacement, Sec. 16-45-4 am'd.

S. 379 49

Indoor lead hazard reduction, Health Dept. admin. prog. re, certification of contractors, fees, crim. penalties

S. 101 10

Voter registration, implementation of motor-voter" federal act, Secs. 17-4-189, 17-4-211. 17-4-214 am'd.

S. 9 5

Game and fish, interfering with persons who are legally

hunting, trapping, or participating in other legal wildlife recreation, prohib., Class B misdemeanor

S. 263 2
Foreclosure advertised notices of real prop., req. to incl. street address or nearest location

S. 40 27

S. 202 31

On motion of Senator Hale, the Resolution was adopted by the Senate.

SPECIAL ORDER BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator and certain other specified disclosures; to provide that the provisions of this act confirm, clarify, and are declaratory of existing law and apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; and to provide for an effective date.

On motion of Senator Windom, the Rules were suspended and further consideration of the Bill, SB 419, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 28.

Senator Windom, B.I.R., SB 28, adopted.

Yeas 18 Nays 0
Abstaining 1

REGULAR SESSION
9th Day

667

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell,
Figures, Floyd, Hale, Langford, Little, Mitchell, Owens, Parsons,
Underwood, and Windom -18

Nays: - 0

Abstaining: Senator Sanders - 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 28. To amend Section 16-45-4, Code of Alabama 1975, relating to the board of directors of the Marine Environmental Sciences Consortium, to authorize the chief executive officer of a member institution to designate an officer or employee of the institution to serve on the board.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18 Nays 0
Abstaining 1

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell,
Figures, Floyd, Hale, Langford, Little, Mitchell, Owens, Parsons,
Underwood, and Windom -18

Nays: - 0

Abstaining: Senator Sanders - 1

BUDGET ISOLATION RESOLUTION

Senator Wilson, B.I.R., SB 86, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hale, Langford, Little, Owens, Sanders, Underwood, Wilson, and Windom -18

Nays: - 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 86. To amend Sections 15-12-1, 15-12-4, and 15-12-25, Code of Alabama 1975, relating to the defense of indigents, to define further the term "indigent defense system" to include the use of a contract counsel system; to provide for and authorize a contract counsel system for use in each county for providing indigent defense services by one or more attorneys, law firms, associations, corporations, or partnerships, pursuant to one or more contracts with the circuit indigent defense commission, approved by the presiding circuit judge; to provide for compensation under each contract to be set by the circuit indigent defense commission, subject to review by the Administrative Director of Courts, and approval by the State Comptroller; and to provide that certain sections of this act shall not be construed to supersede any provision of the Alabama Rules of Criminal Procedure or any other provision of law relating to public defenders.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 292, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Langford, Little, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -20

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 292. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

Yeas:

Senators:

Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Foshee, Ghee, Hale, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Foshee, B.I.R., SB 83, adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -22

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premium, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent col-

lecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

was taken up.

Senator Foshee offered the following substitute for the Bill, SB 83, to-wit:

SUBSTITUTE FOR SB 83

A BILL TO BE ENTITLED AN ACT

To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-19-31, 27-12-17, 27-40-2, and Code of Alabama 1975, are amended to read as follows:

“§5-19-31.

“(a) ~~None of the~~ The provisions of this chapter, except the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, shall not apply to any loan, forbearance, credit sale ~~or~~, lease, or other transaction involving an interest in real property or the sale, lease, or mortgage of an interest in real property, where the creditor is a lending institution which is an approved mortgagee under the provisions of the National Housing Act or is exempt from licensing under this chapter, or to any other loan, forbearance, credit sale, lease, or other transaction that is not a consumer transaction or to any transaction by a trust institution as defined in section 5-12A-1(1), in its capacity as a fiduciary under any plan or agreement quali-

fied under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501.

“(b) ~~Nothing in this~~ This chapter shall not be construed to amend or repeal, without limitation, ~~the provisions of~~ sections 5-18-1 through 5-18-24, inclusive, section 8-8-6, section 8-8-4, section 8-8-5, section 8-8-1.1, 8-8-14, 8-8-15, or sections 5-20-2 through 5-20-10, inclusive.

“(c) This chapter shall not apply to any lawful, bona fide pawnbroking business.

“(d) This chapter shall not apply to any insurance agent or agency licensed in Alabama that elects to charge a collection fee on unpaid balances for insurance premiums under Section 27-12-17. Such election must be made by stating such on the premium finance contract.”

~~“(d) (e)~~ (e) This section is intended to confirm and clarify existing law that none of the provisions of this chapter, other than the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, apply to any transaction that is not a consumer transaction, or, where provided in section 5-19-31(a) to any transaction involving an interest in real property, whether or not a consumer transaction, or to any transaction of a trust institution described in section 5-19-31(a).”

“§27-12-17.

“(a) No person shall willfully collect any sum as premium or charge for insurance which insurance is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this title.

“(b) No person shall willfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to ~~such~~ the insurance and as specified in the policy in accordance with the applicable classifications and rates as filed with, and approved by, the commissioner or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved, ~~such~~ The premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This section shall not be deemed to prohibit the charging and collection by surplus line brokers licensed under chapter 10 of this title of the amount of applicable state and federal taxes in addition to the premium required by the insurer; nor shall it be deemed to prohibit the charging and collection by a life insurer of amounts actually to be expended for medical examination of an applicant for life insurance or for reinstatement of a life

insurance policy; nor shall it be deemed to prohibit an Alabama licensed agent from charging a collection fee of up to one and one-half percent per month on unpaid balances for insurance premiums."

"§27-40-2.

"The provisions of this chapter shall not apply with respect to any of the following:

"(1) Any insurance company licensed to do business in this state~~;~~

"(2) Any banking or other financial institution regulated by the state, or savings and loan association, or credit union authorized to do business in this state, or any national banking institution or federal savings and loan association incorporated under the laws of the United States and located within this state~~;~~

"(3) ~~The inclusion of a~~ A charge for insurance in connection with an installment sale of a motor vehicle or boat or mobile home~~;~~ or

"(4) The financing of insurance premiums in this state in accordance with the provisions of this title relating to rates of insurance.

"(5) Any insurance agent or agency licensed in Alabama that charges a collection fee on unpaid balances for insurance premiums under Section 27-12-17 or under the Alabama Consumer Credit Act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Langford, Little, Mitchell, Owens, Underwood, Waggoner, Wilson, and Windom

-18

Nays:

- 0

And said Bill, SB 83, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 4

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Escott-Russell, Foshee, Ghee, Hill, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -20

Nays:

Senators:

Amari, Floyd, Little, and Parsons - 4

BUDGET ISOLATION RESOLUTION

Senator Bailey, B.I.R., SB 313, adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -21

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 313. To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -21

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 283, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Figures, Floyd, Foshee, Ghee, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 283. To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as a member of the commission; to provide certain duties for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

was taken up.

Senator Dial offered the following substitute for the Bill, SB 283, to-wit:

SUBSTITUTE FOR SB 283

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as a member of the commission; to provide certain duties for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-

26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, are amended to read as follows:

“§8-26-3.

“(a) There is ~~hereby~~ created a commission for the regulation of athlete agents in the State of Alabama to be known as the Alabama Athlete Agent Regulatory Commission (hereinafter the ‘commission’) consisting of 15 members. The commission shall consist of the Secretary of State and 10 ~~14~~ members to be appointed as follows:

“(1) The Governor shall appoint one commission member~~;~~.

“(2) The Lieutenant Governor shall appoint one commission member~~;~~.

“(3) The Speaker of the House shall appoint one commission member~~;~~.

“(4) The athletic ~~director~~ directors at Alabama institutions of higher education participating in the following conferences shall jointly appoint one commission member to represent each of the following:

“a. ~~Southeastern Conference~~ Auburn University System.

“b. ~~Sunbelt Conference~~ University of Alabama System.

“c. ~~Southern Intercollegiate Conference~~ University of South Alabama.

“d. ~~Gulf South Conference~~ Alabama State University.

“e. ~~Southwestern Athletic Conference~~ Alabama A & M University.

“f. Tuskegee University.

“g. Troy State University.

“h. Jacksonville State University.

“i. University of North Alabama.

“j. Livingston University.

“(5) The Alabama High School Athletic Association shall collectively appoint one commission member.

"All appointed members of the commission shall be citizens of the United States and residents of Alabama. The term of each appointed commission member shall be for a period of three years and appointed commission members may be eligible for reappointment, subject to ~~the provisions of this chapter~~. If a vacancy occurs on the commission, the one who originally appointed ~~such the vacated~~ member shall appoint a successor who shall take office immediately and serve the remainder of the unexpired term. The commission members and their successors shall have and exercise all the powers and authority vested by law in ~~said the~~ commission.

"(b) The effective date of all appointments shall be January 1, 1988.

~~"(c) No person who has served two successive complete terms on the commission shall be eligible for reappointment until after the lapse of one year. Appointment to fill an unexpired term is not to be considered as a complete term.~~

~~"(d)~~ (c) Within 15 days after their appointment, the members of the commission shall take an oath before any person lawfully authorized to administer oaths in this state to faithfully and impartially perform their duties as members of the commission, and the same shall be filed with the Secretary of State.

~~"(e)~~ (d) The Governor shall remove from the commission any appointed member for neglect of duty or other just cause.

~~"(f)~~ (e) The commission shall elect annually a ~~chairman~~ chairperson, a vice-~~chairman~~ chairperson, and a secretary-treasurer from its members.

~~"(g)~~ (f) A majority of the commission shall constitute a quorum for the transaction of business.

~~"(h)~~ (g) The ~~commission~~ Secretary of State shall keep records of ~~its the commission's~~ proceedings; and, in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of ~~said those~~ records certified as correct by the ~~commission~~ Secretary of State shall be admissible in evidence as tending to prove the content of ~~said the~~ records.

~~"(i)~~ (h) The ~~commission~~ Secretary of State shall have printed and published for distribution an annual register which shall contain the names, arranged alphabetically, of all persons registered under this chapter.

~~"(j)~~ (i) The ~~commission~~ Secretary of State may employ such per-

sonnel and arrange for such assistance, service and supplies as it may require for the performance of ~~its~~ the duties of the commission.

~~“(k) (j) The commission may promulgate, and from time to time amend rules and standards of conduct for athlete agents appropriate for the protection of the residents of the state. At least 60 days prior to the promulgation of any such rule or amendment, the commission Secretary of State shall mail copies of the proposed rule or amendment to all persons registered under this chapter, with a notice advising him them of the proposed effective date of the rule or amendment and requesting that he they submit his advisory comments thereon at least 15 days prior to such the effective date; such comments shall be advisory only. Failure to receive by mail such a rule, amendment, or notice by all persons registered under this chapter shall not affect the validity of any such rule or amendment.~~

~~“(k) (k) Each Except for the Secretary of State, each member of the commission shall be paid the sum of fifty dollars (\$50) for each day he the member is actively engaged in the discharge of his official duties as a member of the commission, and the member shall also be paid actual necessary expenses incurred in the discharge of his official duties.~~

“§8-26-4.

“No person shall engage in or carry on the occupation of an athlete agent either within the state or with a resident of the state without first registering with the commission through the Secretary of State.

“§8-26-7.

“(a) The commission, by a majority of its members present and voting, may refuse to grant a registration upon proof that the applicant or his or her representative commits any of the following acts:

“(1) Has made false or misleading statements of a material nature in his or her application for registration;

“(2) Has ever misappropriated funds, or engaged in other specific acts such as embezzlement, theft, or fraud, which would render him or her unfit to serve in a fiduciary capacity;

“(3) Has engaged in such other conduct that significantly impacts adversely on his or her credibility, integrity, or competence to serve in a fiduciary capacity;

“(4) Has engaged in conduct which violates or causes a student-

athlete to violate any rule or regulation promulgated by the National Collegiate Athletic Association governing student-athletes and their relationship with athlete agents;

“(5) Is unwilling to swear or affirm that he or she will comply with ~~such the~~ rules and standards of conduct for athlete agents as may from time to time be promulgated by the commission.

“(b) ~~If the commission refuses to grant a registration. Notice~~ notice of the refusal to grant a registration is required to shall be sent by the Secretary of State by registered mail or personal service to the applicant. The notice shall set ~~setting~~ forth the particular reasons for the refusal and ~~fixing~~ shall set a date not less than 30 days nor more than 60 days from the date of ~~such the~~ mailing or ~~such~~ service, at which time the applicant shall be given an opportunity for a prompt and fair hearing. The written notice shall be sent to the applicant's last known address, ~~but the nonappearance.~~ The failure of the applicant to appear shall not prevent ~~such the~~ commission from conducting a hearing. The hearing shall be conducted by the commission by means of sworn, recorded testimony. Parties shall have the right to be represented by counsel and to conduct cross-examination of witnesses.

“(c) On the basis of any hearing or upon default of applicant, the commission shall make a determination specifying its findings of fact and conclusions. A copy of ~~such the~~ determination shall be sent by the Secretary of State by registered mail or served personally upon the applicant. The decision of the commission denying the registration shall become final 30 days after ~~so being~~ mailed or served unless within ~~said that~~ period the applicant appeals the decision to the courts of this state in the same manner and subject to the same powers and conditions as now provided by law in regard to rulings, orders, and findings of other quasi-judicial bodies in Alabama, ~~where not otherwise specifically provided.~~ No ~~such~~ appeal, while pending appropriate court action, shall supersede ~~such a~~ denial. All proceedings and evidence, together with exhibits presented at ~~such the~~ hearings before the commission ~~in the event of appeal~~, are admissible in evidence in ~~said the~~ court.

“(d) Every order and judgment of the commission shall take effect immediately on its promulgation unless the ~~commission in such~~ order or judgment fixes a probationary period for applicant. ~~Such An~~ order and judgment shall continue in effect unless ~~upon appeal~~ the courts by proper order or decree terminate it ~~earlier~~. The commission may make public its orders and judgments in ~~such any~~ manner and form ~~as~~ it deems proper.

“(a) A filing fee shall be paid to the Secretary of State for the benefit of the commission at the time the application for issuance of an athlete agent registration is filed.

“(b) In addition to the filing fee required for application for issuance of an athlete agent registration, every athlete agent shall pay annually to the Secretary of State for the benefit of the commission annually at the time registration is obtained or renewed, a registration fee.

“§8-26-13.

“The commission shall set the fees required by Section 8-26-12 ~~in the amount necessary to generate sufficient revenue to cover the costs of administration and enforcement of this chapter.~~

“§8-26-14.

“(a) An athlete agent shall deposit with the ~~commission~~ Secretary of State prior to the issuance of a registration or renewal of a registration, a surety bond in the penal sum of fifty thousand dollars (\$50,000).

“(b) For the purposes of this chapter, a certificate from an insurance carrier stating that malpractice coverage in the minimum amount of fifty thousand dollars (\$50,000) is in place shall be considered equivalent to a surety bond. Evidence that such coverage is in full force and effect ~~must~~ shall be presented to the ~~commission~~ Secretary of State upon such terms and conditions as the commission may prescribe.

“(c) For the purposes of this chapter, a certificate of deposit payable to the ~~commission~~ Secretary of State, or a savings account assigned to the ~~commission~~ Secretary of State, in the amount of fifty thousand dollars (\$50,000) shall be considered equivalent to a surety bond, and shall be acceptable to the commission upon such terms and conditions as ~~the commission may prescribe~~ it prescribes.

“§8-26-17.

“All moneys collected for registrations and all fines collected for violations of ~~the provisions of this chapter~~ shall be paid to the ~~commission~~ Secretary of State, who shall deposit them in a special fund in the state treasury for the use of the commission.

“§8-26-24.

“(a) ~~Every person engaged in the occupation as an athlete agent~~

~~shall file with the commission a schedule of fees to be charged and collected in the conduct of that occupation. Changes in the schedule may be made from time to time, but no change shall become effective until seven days after the date of filing thereof with the commission.~~

~~“(b) If a professional sports services contract is negotiated, no athlete agent shall collect a fee in any calendar year which exceeds 10 percent of the total compensation, direct or indirect, and no matter from whom received, the athlete is receiving in that calendar year under the contract. However, an athlete agent may require security that his or her future fees will be paid under the agreement with the athlete.~~

~~“(c) Every agent contract shall describe the types of services to be performed and a schedule of the fees to be charged under the contract.~~

“§8-26-26.

“Every athlete agent shall keep records approved by the commission and filed with the Secretary of State, in which shall be entered all of the following:

“(1) The name and address of each athlete employing the athlete agent.

“(2) The amount of fee received from such athlete.

“(3) The contract entered into between the athlete agent and such athlete.

“(4) Other information which the commission may from time to time require.

“No athlete agent, or his or her representatives or employees, shall make any false entry in any such records. All records required by this section shall be kept for a period of seven years.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -20

Nays:

- 0

And said Bill, SB 283, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 20 Nays 0

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -20

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 96. To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

Also:

H. 95. Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

Also:

H. 146. To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of

Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

Also:

H. 147. Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 238. Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Owens, B.I.R., SB 56, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hill, Langford, Lindsey, Mitchell, Owens, Parsons, Sanders, Waggoner, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 56. To amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

was taken up.

Senator Owens offered the following substitute for the Bill, SB 56, to-wit:

SUBSTITUTE FOR SB 56

**A BILL
TO BE ENTITLED
AN ACT**

Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory

Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The purpose of this act is to make Alabama law substantially similar to the model Insurance Holding Company System Regulatory Act adopted by the National Association of Insurance Commissioners so as to make the Alabama Department of Insurance eligible for accreditation by the National Association of Insurance Commissioners.

Section 2. Sections 27-27-37, 27-27-38, 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, are amended to read as follows:

“§27-27-37.

“(a) A domestic stock insurer shall not pay any cash dividend to stockholders except out of that part of its available surplus funds which is derived from realized net profits on its business.

“(b) A stock dividend may be paid out of any available surplus funds in excess of the aggregate amount of surplus loaned to the insurer under section 27-27-40.

“(c) A dividend otherwise proper may be payable out of the insurer’s surplus even though its total surplus is then less than the aggregate of its past contributed surplus resulting from issuance of its capital stock at a price in excess of the par value thereof if payment is conditioned upon receipt of the Commissioner’s approval and the insurer does not pay the dividend until the Commissioner has done the following:-

“(1) Approved the payment of the dividend, or

“(2) Not disapproved the payment of the dividend within 30 days after receipt of notice from the insurer of the declaration thereof.

“§27-27-38.

“(a) The directors of a domestic mutual insurer may, from time to time, apportion and pay or credit to its members dividends only out of that part of its surplus funds which represents net realized savings and net realized earnings in excess of the surplus required by law to be maintained.

“(b) A dividend otherwise proper may be payable out of ~~such the~~ savings and earnings even though the insurer’s total surplus is then less than the aggregate of its contributed surplus if payment is conditioned upon receipt of the Commissioner’s approval and the insurer does not pay the dividend until the Commissioner has done the following:-

“(1) Approved the payment of the dividend, or

“(2) Not disapproved the payment of the dividend within 30 days after receipt of notice from the insurer of the declaration thereof.

“§27-29-1.

“For purposes of this chapter, unless otherwise stated, the following terms shall have the meanings respectively ascribed to them by this section:

“(1) AFFILIATE. ~~Such The~~ term shall include an ‘affiliate’ of, or person ‘affiliated’ with, a specific person, and shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

“(2) COMMISSIONER. The commissioner of insurance, his or her deputies, or the insurance department as appropriate.

“(3) CONTROL. ~~Such The~~ term shall include ‘controlling,’ ‘controlled by,’ or ‘under common control with’ and shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly owns, controls, holds with the power to vote, or holds proxies representing five percent or more of the voting securities of any other person. ~~Any person who, on April 15, 1982, directly or indirectly, owns, controls, holds with the power to vote or holds proxies representing five percent or more, but not as much as 15 percent, of the voting securities of any person shall not be presumed to be in control of such person but shall not acquire, otherwise than by stock dividends, additional voting securities of such other person without being presumed to have acquired control and without complying with the provisions of this chapter relating to acquisition of control.~~ This presumption may be rebutted by a showing made in the manner provided by subsection (i) of section 27-29-4 that control does not exist in fact. Such ‘control’ as used in this section shall not be deemed to exist where proxies have been

obtained by management of such insurer solely in connection with voting at an annual or other regular meeting of the shareholders of such insurer. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific finding of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.

“(4) INSURANCE HOLDING COMPANY SYSTEM. A system which consists of two or more affiliated persons, one or more of which is an insurer.

“(5) INSURER. An insurance company as set forth in section 27-1-2, except that it shall not include:

“a. Agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;

“b. Fraternal ~~benefits~~ benefit societies; or

“c. Nonprofit medical and hospital service associations.

“Notwithstanding the foregoing, for purposes of section 27-29-3, a domestic insurer shall include any other person controlling a domestic insurer unless such other person is either directly or through its affiliates primarily engaged in business other than the business of insurance.

“(6) PERSON. An individual, a corporation, a partnership, a limited partnership, an association, a joint-stock company, a trust, an unincorporated organization, or any similar entity or any combination of the foregoing acting in concert, but shall not include any securities broker performing no more than the usual and customary broker's function.

“(7) SECURITYHOLDER. One who owns any security of such person, including common stock, preferred stock, debt obligations, and other security convertible into, or evidencing, the right to acquire any of the foregoing.

“(8) SUBSIDIARY. An affiliate controlled by such person, directly or indirectly, through one or more intermediaries.

“(9) VOTING SECURITY. ~~Such~~ The term shall include any security convertible into, or evidencing, a right to acquire a voting security.

“§27-29-2.

“(a) Authorization. Any domestic insurer, either by itself or in cooperation with one or more persons, may organize or acquire one or more subsidiaries or affiliates in accordance with the provisions contained in this section. Such subsidiaries or affiliates may conduct any kind of business, or businesses, permitted by the Constitution and the laws of this state, and their authority to do so shall not be limited by reason of the fact that they are subsidiaries or affiliates of a domestic insurer.

~~“(b) Additional investment authority. In addition to any other statute of this state, now existing or hereafter enacted, expressly authorizing investments in common stock, preferred stock, debt obligations and other securities, a domestic insurer, other than a life and health insurer, may also invest in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates. In the event any such investments shall be made after April 27, 1981, then all such investments of such domestic insurer, whether made prior to or subsequent to April 27, 1981, shall be stated in all financial statements of such insurer filed with the commissioner at values determined as follows:~~

~~“(1) All investments in common stock, preferred stock and other equity securities in such subsidiaries or affiliates shall be valued at the net asset (book) value of such securities; and~~

~~“(2) All debt obligations shall be valued in accordance with standards and procedures established by the commissioner, which shall be in reasonable accord with the procedures and rules for valuing such securities as may be recommended, from time to time, by the National Association of Insurance Commissioners.~~

~~“(c) (b) Additional investment authority for life, disability and burial insurers. In addition to investments in common stock, preferred stock, debt obligations, and other securities permitted under all other sections of this title, a domestic life, disability and burial insurer may also:~~

~~“(1) Invest, in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries or affiliates, including, without limitation, domestic or foreign insurance subsidiaries or affiliates, amounts which do not exceed the lesser of 10 percent of such insurer's assets or 75 50 percent of the total of the insurer's capital and surplus as shown in the latest annual report of the insurer filed pursuant to subsection (a) of section 27-3-26, less the minimum capital and surplus required of said insurer for authority to transact insurance by sections 27-3-7 and 27-3-8, provided that after such investments, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs. In calculating the amount of~~

such investments, investments in domestic and foreign insurance subsidiaries shall be excluded, and there shall be included:

“a. Total net moneys or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary or affiliate, including all organizational expenses and contributions to capital and surplus of such subsidiary or affiliate, whether or not represented by the purchase of capital stock or issuance of other securities; and

“b. All amounts expended in acquiring additional common stock, debt obligations, and other securities and all contributions to the capital or surplus of a subsidiary or affiliate subsequent to its acquisition or formation;

~~“(2) If the insurer’s total liabilities, as calculated for National Association of Insurance Commissioners annual statement purposes are less than 10 percent of assets, invest any amount in common stock, preferred stock, debt obligations and other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer’s surplus as regards policyholders, considering such investment as if it were a disallowed asset, will be reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs;~~

~~“(3) (2) Invest any amount in common stock, preferred stock, debt obligations, and other securities of one or more subsidiaries or affiliates, engaged or organized to engage exclusively in the ownership and management of assets authorized as investments for the insurer provided that each such subsidiary or affiliate agrees to limit its investments in any asset so that such investments will not cause the amount of the total investment of the insurer to exceed any of the investment limitations specified in subdivision (1) of this subsection or in sections 27-41-15 through 27-41-18 and 27-41-35. For the purpose of this subdivision, ‘the total investment of the insurer’ shall include:~~

“a. Any direct investment by the insurer in an asset; and

“b. The insurer’s proportionate share of any investment in an asset by any subsidiary or affiliate of the insurer, which shall be calculated by multiplying the amount of the subsidiary’s investment by the percentage of the insurer’s ownership of such subsidiary or affiliate;

~~“(4) (3) With the approval of the commissioner, invest any amount in common stock, preferred stock, debt obligations, or other securities of one or more subsidiaries or affiliates, provided that after such investment the insurer’s surplus as regards policyholders will be reasonable in relation~~

to the insurer's outstanding liabilities and adequate to its financial needs; and,

~~“(5) Invest any amount in the common stock, preferred stock, debt obligations or other securities of any subsidiary or affiliate exclusively engaged in holding title to and managing or developing real or personal property, if after considering as a disallowed asset so much of the investment as is represented by subsidiary assets which if held directly by the insurer would be considered as a disallowed asset, the insurer's surplus as regards policyholders will be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, and if following such investment all voting securities of such subsidiary would be owned by the insurer.~~

~~“(d) (c)~~ Exemption from investment restrictions. Investments in common stock, preferred stock, debt obligations, or other securities of subsidiaries or affiliates made pursuant to subsection (b) ~~or (e)~~ of this section shall not be subject to any of the otherwise applicable restrictions or prohibitions contained in this title applicable to such investments of insurers.

~~“(e) (d)~~ Qualification of investment; when determined. Whether any investment pursuant to subsection (b) ~~or (e)~~ of this section meets the applicable requirements thereof is to be determined immediately after such investment is made, taking into account the then outstanding principal balance on all previous investments in debt obligations and the value of all previous investments in equity securities as of the date they were made.

~~“(f) (e)~~ Cessation of control. If an insurer ceases to control a subsidiary, it shall dispose of any investment therein made pursuant to this section within three years from the time of the cessation of control or within such further time as the commissioner may prescribe, unless at any time after such investment shall have been made such investment shall have met the requirements for investment under any other section of this title, and the insurer has notified the commissioner.

“§27-29-3.

“(a) Filing and approval requirements. No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities for or acquire in the open market any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisi-

tion of such securities if no offer or agreement is involved or within 15 days after any such offer, request, or invitation is made or any such agreement is entered into, such person has filed with the commissioner and has sent to such insurer a statement containing the information required by this section and such offer, request, invitation, agreement, or acquisition either:

“(1) Has been approved by the commissioner in the manner prescribed in this section; or

“(2) Expressly states that it is subject to approval by the commissioner in the manner prescribed in this section.

“An offer, request, invitation, agreement, or acquisition which contains such a condition and which is approved by the commissioner in the manner so prescribed shall be effective and binding according to its terms from the date on which it was made.

“(b) Content of statement. The statement to be filed with the commissioner under this section shall be made under oath or affirmation and shall contain the following information:

“(1) The name and address of each person by whom, or on whose behalf, the merger or other acquisition of control referred to in subsection (a) of this section is to be effected (hereinafter called ‘acquiring party’), and

“a. If such person is an individual, his or her principal occupation and all offices and positions held during the past five years, and any conviction of crimes other than minor traffic violations during the past 10 years; or

“b. If such person is not an individual, a report of the nature of its business operations during the past five years or for such lesser period as such person and any predecessors thereof shall have been in existence; an informative description of the business intended to be done by such person and such person’s subsidiaries; and a list of all individuals who are, or who have been selected to become, directors or executive officers of such person or who perform, or will perform, functions appropriate to such positions. Such list shall include for each such individual the information required by paragraph a of this subdivision;

“(2) The source, nature, and amount of the consideration used, or to be used, in effecting the merger or other acquisition of control, a description of any transaction wherein funds were, or are to be, obtained for any such purpose, and the identity of persons furnishing such consideration; provided, however, that where a source of such consideration is a loan made

in the lender's ordinary course of business, the identity of the lender shall remain confidential if the person filing such statement so requests;

“(3) Fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party, or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence, and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement; provided, however, that in the case of an acquiring party which is an insurer actively engaged in the business of insurance, the financial statements of such insurer need not be audited, except such audit may be required if the need therefor is determined by the commissioner;

“(4) Any plans or proposals which each acquiring party may have to liquidate such insurer, to sell its assets, or to merge or consolidate it with any person or to make any other material change in its business or corporate structure or management;

“(5) The number of shares of any security referred to in subsection (a) of this section which each acquiring party proposes to acquire, the terms of the offer, request, invitation, agreement, or acquisition referred to in subsection (a) of this section, and a statement as to the method by which the fairness of the proposal was arrived at;

“(6) The amount of each class of any security referred to in subsection (a) of this section which is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

“(7) A full description of any contracts, arrangements, or understandings with respect to any security referred to in subsection (a) of this section in which any acquiring party is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements, or understandings have been entered into;

“(8) A description of the purchase of any security referred to in subsection (a) of this section during the 12 calendar months preceding the filing of the statement by any acquiring party, including the dates of purchase, names of the purchasers, and consideration paid, or agreed to be paid, therefor;

“(9) A description of any recommendations to purchase any security referred to in subsection (a) of this section made during the 12 calendar

months preceding the filing of the statement by any acquiring party or by anyone based upon interviews or at the suggestion of such acquiring party;

“(10) Copies of all tender offers for, requests or invitations for tenders of, exchange offers for and agreements to acquire or exchange any securities referred to in subsection (a) of this section and, if distributed, or additional soliciting material relating thereto;

“(11) The terms of any agreement, contract, or understanding made with any broker-dealer as to solicitation of securities referred to in subsection (a) of this section for tender and the amount of any fees, commissions, or other compensation to be paid to broker-dealers with regard thereto; and

“(12) Such additional information as the commissioner may, by rule or regulation, prescribe as necessary or appropriate for the protection of policyholders and securityholders of the insurer or in the public interest.

“If the person required to file the statement referred to in subsection (a) of this section is a partnership, limited partnership, syndicate, or other group, the commissioner may require that the information called for by subdivisions (1) through (12) of this subsection shall be given with respect to each partner of such partnership or limited partnership, each member of such syndicate or group, and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection (a) of this section is a corporation, the commissioner may require that the information called for by subdivisions (1) through (12) of this subsection shall be given with respect to such corporation, each officer and director of such corporation, and each person who is, directly or indirectly, the beneficial owner of more than 15 percent of the outstanding voting securities of such corporation. If any material change occurs in the facts set forth in the statement filed with the commissioner and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other materials relevant to such change, shall be filed with the commissioner and sent to such insurer within two business days after the person learns of such change. Such insurer shall send such amendment to its shareholders.

“(c) Alternative filing materials. If any offer, request, invitation, agreement, or acquisition referred to in subsection (a) of this section is proposed to be made by means of a registration statement under the Securities Act of 1933, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (a) of this section may utilize such

documents in furnishing the information called for by that statement.

“(d) Approval by commissioner; hearings.

“(1) The commissioner shall approve any merger or other acquisition of control referred to in subsection (a) of this section unless, after a public hearing thereon, he or she finds that:

“a. After the change of control, the domestic insurer referred to in subsection (a) of this section would not be able to satisfy the requirements for the issuance of a license to write the line, or lines, of insurance for which it is presently licensed;

“b. The effect of the merger or other acquisition of control would be substantially to lessen competition in insurance in this state or to create a monopoly therein;

“c. The financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer or prejudice the interest of its policyholders;

“d. The plans or proposals which the acquiring party has to liquidate the insurer, to sell its assets, or to consolidate or merge it with any person or to make any other material change in its business or corporate structure or management are unfair and unreasonable to policyholders of the insurer and not in the public interest; or

“e. The competence, experience, and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer and of the public to permit the merger or other acquisition of control.

“(2) The public hearing referred to in subdivision (1) of this subsection shall be held within 45 days after the statement required by subsection (a) of this section is filed, and at least 20 days' notice thereof shall be given by the commissioner to the person filing the statement. Not less than 15 days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner. The insurer shall give such notice to its securityholders. The commissioner shall make a determination within 30 days after the conclusion of such hearing. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent, and any other person whose interest may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses and offer oral and written arguments and, in connection therewith, shall be entitled to conduct discov-

ery proceedings in the same manner as is presently allowed in the circuit courts of this state. All discovery proceedings shall be concluded not later than five days prior to the commencement of the public hearing.

“(e) Mailings to stockholders; payments of expenses. All statements, amendments, or other material filed pursuant to subsections (a) or (b) of this section and all notices of public hearings held pursuant to subsection (d) of this section shall be mailed by the insurer to its stockholders within 10 business days after the insurer has received such statements, amendments, other material, or notices. The expenses of mailing shall be borne by the person making the filing. As security for the payment of such expenses, such person shall file with the commissioner an acceptable bond or other deposit in an amount to be determined by the commissioner.

“(f) Exemptions. The provisions of this section shall not apply to:

~~“(1) Any offer, request, invitation, or agreement to acquire or the acquisition by a person referred to in subsection (a) of this section of any voting security referred to in said subsection (a) which, immediately prior to the consummation of such offer, request, invitation, agreement or acquisition, was authorized but not issued and outstanding; provided, however, that after the acquisition of voting securities by such person that person shall not, either directly or indirectly, own, control, vote, hold, or otherwise have the right to acquire in any manner, 10 percent or more of the total issued and outstanding voting securities of the domestic insurer after the completion of such transaction. Any person proposing to acquire authorized but not issued and outstanding voting securities of a domestic insurer whose total direct and indirect holdings, including the right to acquire voting securities, would, after such acquisition of voting securities, equal or exceed 10 percent of the total issued and outstanding voting securities of such insurer, shall be subject to the provisions of subsection (a) of this section;~~

~~“(2) Any any offer, request, invitation, agreement, or acquisition which the commissioner by order shall exempt therefrom as:~~

~~“a. (1) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer; or~~

~~“b. (2) As otherwise not comprehended within the purposes of this section.~~

“(g) Violations. The following shall be violations of this section:

“(1) The failure to file any statement, amendment, or other material required to be filed pursuant to subsections (a) or (b) of this section; or

“(2) The effectuation, or any attempt to effectuate, an acquisition of control of, or merger with, a domestic insurer unless the commissioner has given his or her approval thereto.

“(h) Jurisdiction; consent to service of process. The courts of this state are hereby vested with jurisdiction over every person not resident, domiciled, or authorized to do business in this state who files a statement with the commissioner under this section and over all actions involving such person arising out of violations of this section, and each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner to be his or her true and lawful attorney upon whom may be served all lawful process in any action or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner and transmitted by registered or certified mail by the commissioner to such person at his or her last known address.

“§27-29-4.

“(a) Registration. Every insurer which is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to ~~disclosure~~ registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile which are substantially similar to those contained in this section and Section 27-29-5. Any insurer which is subject to registration under this section shall register within 60 days after September 3, 1973, or 15 days after it becomes subject to registration, ~~whichever is later~~ and annually thereafter by June 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration and, then, within such extended time. The commissioner may require any authorized insurer which is a member of a holding company system which is not subject to registration under this section to furnish a copy of the registration statement or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

“(b) Information and form required. Every insurer subject to registration shall file a registration statement on a form provided by the commissioner which shall contain current information about:

“(1) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;

“(2) The identity of every member of the insurance holding company system;

“(3) The following agreements in force, relationships subsisting, and transactions currently outstanding between such insurer and its affiliates:

“a. Loans, other investments or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

“b. Purchases, sales, or exchanges of assets;

“c. Transactions not in the ordinary course of business;

“d. Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer’s assets to liability, other than insurance contracts entered into in the ordinary course of the insurer’s business;

“e. All management and service contracts and all cost-sharing arrangements, ~~other than cost allocation arrangements based upon generally accepted accounting principles; and~~

“f. Reinsurance agreements; ~~covering all, or substantially all, of one or more lines of insurance of the ceding company; and~~

“g. Dividends and other distributions to shareholders; and

“h. Consolidated tax allocation agreements;

“(4) Any pledge of the insurer’s stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

“(4) (5) Other matters concerning transactions between registered insurers and any affiliates as may be included, from time to time, in any registration forms adopted or approved by the commissioner.

“(c) Materiality. No information need be disclosed on the registration statement filed pursuant to subsection (b) of this section if such information is not material for the purposes of this section. Unless the commissioner by rule, regulation, or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit or investments involving one half of one percent or less of an insurer’s admitted assets as of December 31, next preceding, shall not be deemed material for purposes of this section.

“(d) Amendments to registration statements. Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within 15 days after the end of the month in which it learns of each such change or addition, but at least annually, as provided in subsection (a); provided, however, that subject to ~~subsection (c) of section 27-29-5,~~ each registered insurer shall so report all dividends and other distributions to shareholders within ~~two~~ five business days following the declaration thereof.

“(e) Termination of registration. The commissioner shall terminate the registration of any insurer which demonstrated that it no longer is a member of an insurance holding company system.

“(f) Consolidated filing. The commissioner may require or allow two or more affiliated insurers subject to registration under this section to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.

“(g) Alternative registration. The commissioner may allow an insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection (a) of this section and to file all information and material required to be filed under this section.

“(h) Exemptions. The provisions of this section shall not apply to any insurer, information, or transaction if, and to the extent that, the commissioner by rule, regulation, or order shall exempt the same from the provisions of this section.

“(i) Disclaimer. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer’s relationship with such person, unless and until the commissioner disallows such a disclaimer. The commissioner shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support such disallowance.

“(j) Violations. The failure to file a registration statement or any

amendment thereto required by this section within the time specified for such filing shall be a violation of this section.

“§27-29-5.

“(a) Transactions with affiliates. Material transactions by registered insurers with their affiliates shall be subject to the following standards:

“(1) The terms shall be fair and reasonable;

“(2) Charges or fees for services performed shall be reasonable;

“(3) Expenses incurred and payment received shall be allocated to the insurer in conformity with customary insurance accounting practices consistently applied;

“(2) (4) The books, accounts, and records of each party will be so maintained as to clearly and accurately disclose the precise nature and details of the transactions; and

“(3) (5) The insurer’s surplus as regards policyholders following any dividends or distributions to shareholder; affiliates shall be reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs.

“(b) The following transactions involving a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the commissioner in writing of its intention to enter into such transaction at least 30 days prior thereto, or such shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period.

“(1) Sales, purchases, exchanges, loans or extensions of credit, guarantees, or investments provided the transactions are equal to or exceed:

“a. With respect to nonlife insurers, the lesser of three percent of the insurer’s admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;

“b. With respect to life insurers, three percent of the insurer’s admitted assets as of the 31st day of December next preceding;

“(2) Loans or extensions of credit to any person who is not an affiliate, where the insurer makes loans or extensions of credit with the

agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in, any affiliate of the insurer making the loans or extensions of credit provided the transactions are equal to or exceed;

“a. With respect to nonlife insurers, the lesser of three percent of the insurer’s admitted assets or 25 percent of surplus as regards policyholders as of the 31st day of December next preceding;

“b. With respect to life insurers, three percent of the insurer’s admitted assets as of the 31st day of December next preceding;

“(3) Reinsurance agreements or modifications thereto in which the reinsurance premium or a change in the insurer’s liabilities equals or exceeds five percent of the insurer’s surplus as regards policyholders, as of the 31st day of December next preceding, including those agreements which may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer;

“(4) All management agreements, service contracts, and all cost-sharing arrangements; and

“(5) Any material transactions, specified by regulation, which the commissioner determines may adversely affect the interests of the insurer’s policyholders.

“Nothing herein contained shall be deemed to authorize or permit any transactions which, in the case of an insurer not a member of the same holding company system, would be otherwise contrary to law.

“(c) A domestic insurer may not enter into transactions which are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that such separate transactions were entered into over any 12-month period for that purpose, he or she may exercise his or her authority under Section 27-29-10.

“(d) The commissioner, in reviewing transactions pursuant to subsection (b), shall consider whether the transactions comply with the standards set forth in subsection (a) and whether they may adversely affect the interests of policyholders.

“(e) The commissioner shall be notified within 30 days of any investment of the domestic insurer in any one corporation if the total investment in such corporation by the insurance holding company system exceeds 10 percent of the corporation’s voting securities.

~~“(b) (f)~~ Adequacy of surplus. For purposes of this chapter in determining whether an insurer’s surplus as regards policyholders is reasonable in relation to the insurer’s outstanding liabilities and adequate to its financial needs, the following factors, among others, shall be considered:

“(1) The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria;

“(2) The extent to which the insurer’s business is diversified among the several lines of insurance;

“(3) The number and size of risks insured in each line of business;

“(4) The extent of the geographical dispersion of the insurer’s insured risks;

“(5) The nature and extent of the insurer’s reinsurance program;

“(6) The quality, diversification, and liquidity of the insurer’s investment portfolio;

“(7) The recent past and projected future trend in the size of the insurer’s surplus as regards policyholders;

“(8) The surplus as regards policyholders maintained by other comparable insurers;

“(9) The adequacy of the insurer’s reserves; ~~and~~

“(10) The quality and liquidity of investments in subsidiaries made pursuant to section 27-29-2. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his or her judgment such investment so warrants: ; and

“(11) The quality of the company’s earnings and the extent to which the reported earnings include extraordinary items.

~~“(e) (g)~~ Dividends and other distributions. ~~No insurer subject to~~

~~registration under section 27-29-4 shall pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until:~~

~~“(1) Thirty days after the commissioner has received notice of the declaration thereof and has not within such period disapproved such payment; or~~

~~“(2) The commissioner shall have approved such payment within such 30-day period.~~

~~“For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property whose fair market value, together with that of other dividends or distributions made within the preceding 12 months exceeds the greater of:~~

~~“(1) Ten percent of such insurer's surplus as regards policyholders as of December 31, next preceding; or~~

~~“(2) The net gain from operations of such insurer, if such insurer is a life insurer, or the net investment income, if such insurer is not a life insurer, for the 12-month period ending December 31, next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.~~

~~“Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval thereof, and such a declaration shall confer no rights upon shareholders until:~~

~~“(1) The commissioner has approved the payment of such dividend or distribution; or~~

~~“(2) The commissioner has not disapproved such payment within the 30-day period referred to above.~~

“(1) A domestic insurer shall not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until 30 days after the commissioner has received notice of the declaration of the dividend or distribution and has not disapproved such payment within the period, or until the time the commissioner has approved the payment within the 30-day period.

“For purposes of this paragraph, an ‘extraordinary dividend or distribution’ includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distribu-

tions made within the preceding 12 months exceeds the greater of the following:

“a. Ten percent of the insurer’s surplus as regards policyholders as of the 31st day of December next preceding; or

“b. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, if the insurer is not a life insurer, for the 12-month period ending the 31st day of December next preceding.

“An extraordinary dividend or distribution does not include pro rata distributions of any class of the insurer’s own securities.

“(2) A domestic insurer subject to registration under Section 27-29-4 shall report to the commissioner all dividends to shareholders within five business days following the declaration of the dividends and not less than 10 days prior to the payment of the dividends. This report shall also include a schedule setting forth all dividends or other distributions made within the previous 12 months.

“(3) Notwithstanding any other provision of law, a domestic insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner’s approval of the dividend or distribution. Such declaration does not confer any rights upon shareholders until the commissioner has approved the payment of the dividend or distribution or the commissioner has not disapproved the payment within the 30-day period as provided in subdivision (1).

“(4) The commissioner shall assess such reasonable charges as he or she deems necessary for the review conducted pursuant to this section. All funds received shall be deposited in the State Treasury to the credit of the special examination revolving fund, from which the expenses incurred shall be paid.”

Section 3. Recovery.

(a) If an order for liquidation or rehabilitation of a domestic insurer has been entered, the receiver appointed under such order shall have a right to recover on behalf of the insurer, (i) from any parent corporation or holding company or person or affiliate who otherwise controlled the insurer, the amount of distributions (other than distributions of shares of the same class of stock) paid by the insurer on its capital stock, or (ii) any payment in the form of a bonus, termination settlement, or extraordinary lump sum salary adjustment made by the insurer or its subsidiary to a director, officer, or employee, where the distribution or payment pursuant to (i) or (ii) is made

at any time during the one year preceding the petition for liquidation, conservation, or rehabilitation, as the case may be, subject to the limitations of subsections (b), (c), and (d) of this section.

(b) No such distribution shall be recoverable if the parent or affiliate shows that when paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(c) A person who was a parent corporation or holding company or a person who otherwise controlled the insurer or affiliate at the time such distributions were paid shall be liable up to the amount of distributions or payments under subsection (a) which the person received. A person who otherwise controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions he or she would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(d) The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the impaired or insolvent insurer to pay the contractual obligations of the impaired or insolvent insurer and to reimburse any guaranty funds.

(e) To the extent that any person liable under subsection (c) of this section is insolvent or otherwise fails to pay claims due from it pursuant to the subsection, its parent corporation or holding company or person who otherwise controlled it at the time the distribution was paid, shall be jointly and severally liable for any resulting deficiency in the amount recovered from the parent corporation or holding company or person who otherwise controlled it.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom -21

Nays:

- 0

And said Bill, SB 56, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Hill, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -21

Nays:

- 0

RESOLUTION

Senator Escott-Russell requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

SR 34. EXPRESSING THE SENSE OF THE ALABAMA SENATE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

WHEREAS, the railroad industry is acknowledged as the originator of private company pensions in the United States; and

WHEREAS, in the 1930's, the United States Congress assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

WHEREAS, the railroad retirement system today covers over one million individuals who have contributed to the system over the years in good faith and who have legitimate expectations of receiving their benefits; and

WHEREAS, The National Performance Review in its report "From

Red Tape to Results: Creating a Government That Works Better & Cost Less” proposes to transfer the functions of the Railroad Retirement Board to the Social Security Administration, to other federal agencies, and to “private section service providers”; and

WHEREAS, this proposal would privatize and terminate a program that has worked well and provided retirement security to millions of people for nearly 60 years; and

WHEREAS, it now costs less money per benefit dollar to administer railroad retirement than it costs to administer social security and consequently, the proposal is likely to increase costs to the taxpayer; and

WHEREAS, the transfer would violate the federal government’s stated commitment to “serving the customer” as current and future railroad retirement beneficiaries vehemently oppose the transfer; and

WHEREAS, this action threatens to disrupt earned and needed benefits for 1.3 million active, retired, and disabled rail workers and their families; and

WHEREAS, this proposal would adversely affect all active and retired railroad employees and their families in the great State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That a continued federal commitment to the railroad retirement system is essential to assure the integrity of the railroad retirees’ benefits.

BE IT FURTHER RESOLVED, That the preservation of the present structure of the railroad retirement system, including the administrative framework of the Railroad Retirement Board, is necessary to fulfill the time-honored responsibility of the federal government.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Railroad Retirement Board and the Social Security Administration.

On motion of Senator Escott-Russell, the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 16, adopted.

Yeas 17 Nays 1

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Hale, Little, Mitchell, Owens, Parsons, Sanders, Underwood, Wilson, and Windom -17

Nay: Senator Hill

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 16. To amend Section 26-14-7, Code of Alabama 1975, relating to investigations by the various county Human Resources Departments regarding reports of child abuse or neglect, requiring the department to provide written notice specifying the final status and final disposition of the case to the parent, legal guardian, or other person who has custody or charge of the child who is the subject of the report.

was taken up.

Senator Bailey offered the following amendment to the Bill, SB 16, to-wit:

AMENDMENT TO SB 16

Amend SB 16 on Page 1, Line 21, and on Page 2, Line 2, by deleting the remainder of the line and inserting in lieu thereof the following:

“or who is the subject of the investigation”.

On Page 3, Line 23, after the word “child” add the following:

“or who is the subject of the investigation”

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Dial, Escott-Russell, Floyd, Ghee, Hale, Hill, Little, Mitchem, Owens, Sanders, Smith (J), Underwood, Wilson, and Windom -18

Nays:

- 0

And said Bill, SB 16, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Escott-Russell, Floyd, Ghee, Hill, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -18

Nays:

- 0

RECESS

At 12 o'clock Noon, on motion of Senator Hale, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF SB 8

The Senate proceeded to further consideration of the Bill:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, and for investigation of and penalties for the offenses.

having been postponed on the Eighth Legislative Day.

The Standing Committee on Constitution and Elections reported the following amendment to the Bill, SB 8, to-wit:

AMENDMENT TO SB 8

Amend SB 8, on Page 10, Line 26, by striking Section (b) and inserting in lieu thereof the following:

“(b) Not less than five days nor more than 20 days prior to an election, poll workers appointed in the normal manner by appointing boards pursuant to Section 17-6-1, shall go to all state licensed nursing homes in the

county to provide absentee ballots and voting assistance, if needed, to the patients in the nursing homes who are registered electors and who have applied to vote by absentee ballot in the election. Persons providing the assistance shall be compensated pursuant to Section 17-10-14.”

On motion of Senator Ghee, said amendment was laid on the table.

The Standing Committee on Constitution and Elections then reported the following amendment No. 2 to the Bill, SB 8, to-wit:

AMENDMENT NO. 2 TO SB 8

Amend SB 8, on Page 8, by adding the following after Line 17:

“ ____I work a required workplace shift that conflicts with polling hours.”

On motion of Senator Ghee, said amendment was laid on the table.

The Standing Committee on Constitution and Elections then reported the following amendment No. 3 to the Bill, SB 8, to-wit:

AMENDMENT NO. 3 TO SB 8

Amend SB 8, on Page 12, Line 21, by striking the remainder of the sentence after the word “for” and inserting in lieu thereof the following:

“direct personal financial gain as a result of collecting payment per absentee ballot received, upon conviction, shall be guilty of the crime of absentee voting fraud which shall be a Class C felony.”

On motion of Senator Ghee, said amendment was laid on the table.

Senator Ghee then offered the following substitute for the Bill, SB 8, to-wit:

SUBSTITUTE FOR SB 8

A BILL TO BE ENTITLED AN ACT

Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the adminis-

tration of absentee voting, for unlawful offenses relating thereto, for investigation of and penalties for the offenses, and for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, are amended to read as follows:

“§17-10-3.

“(a) Any qualified elector of this state and any person who, but for having moved from the state within the 30 days immediately preceding the election, is a qualified elector of this state who will be unable to vote at his or her regular polling place because of his or her absence from the county of his or her residence on the day of any primary, general, special, or municipal election, or who because of any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election, or who works on a shift which has at least eight hours which coincide with the hours the polls are open at his or her regular polling place, may vote an absentee ballot, provided he or she makes application in writing therefor not less than five days prior to the election in which he or she desires to vote as authorized in this chapter.

“(b) An applicant for an absentee ballot who is a member of the armed forces of the United States, including the Alabama national guard, the United States naval reserves, the United States air force reserves and the United States military reserves on active duty training or an applicant who is the ~~wife~~ spouse of any member of the armed forces may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of “The Federal Voting Assistance Act of 1955,” Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress 1st Session.

“§17-10-4.

“~~Such~~ The application ~~which~~ shall be filed with the person designated to serve as the absentee election manager; The application shall need not be in any particular a form, but it prescribed and designed by the Secretary of State and shall be used throughout the state. Notwithstanding the foregoing, handwritten applications may be accepted during the five days before the deadline date to receive absentee ballot applications provided in Section 17-10-3. The application shall contain sufficient information to identify the applicant and it shall include the applicant's name, residence address, or such other information necessary to verify that ~~such~~ the applicant

is a registered voter, ~~and the address to which he desires the ballot to be mailed.~~ Any applicant may ~~have such~~ receive assistance in filling out the application as he or she desires, but each application shall be manually signed by the applicant and, if he or she signs by mark, the name of the witness to his or her signature ~~must shall~~ be signed thereon. ~~Such~~ The application may be handed by the applicant himself to the register absentee election manager or forwarded to him or her by United States mail. An application for an emergency absentee ballot pursuant to Section 17-10-12 may be forwarded to the absentee election manager by the applicant or his or her designee. Application forms which are printed and made available to any applicant by the absentee election manager shall have printed thereon all ~~such~~ penalties ~~as are herein~~ provided for any violation of this chapter.

“§17-10-5.

“Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, ~~he the~~ absentee election manager shall furnish the absentee ballot to the applicant by (1) forwarding it by United States mail to ~~such person the applicant's or voter's residence address or the address where the voter regularly receives mail~~ or (2) by handing the absentee ballot to the voter or, in the case of emergency voting, his or her designee in person. If the absentee election manager suspects that the applicant has given a fraudulent address on the application for the absentee ballot, the absentee election manager may require in a timely manner the applicant to sign an affidavit verifying that the address for the ballot is legal. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the next business day after an application has been received unless ~~such the~~ absentee ballots have not been delivered to the absentee election manager, ~~in which case he or she,~~ If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until ~~such the~~ ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

“The official list of qualified voters ~~herein referred to~~ shall be furnished to the absentee election manager by the ~~probate~~ judge of probate or other person preparing ~~said the~~ list at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as ~~such the~~ list becomes available. The absentee election manager shall underscore on ~~such the~~ list the name of the voter and shall write immediately beside his or her name the word ‘absentee.’ ~~He The~~ absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list of absentee voters. ~~The~~ Each day the absentee election manager shall ~~each day~~ enter on ~~said the~~ list the names, addresses, and polling places of each voter

who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. ~~Such~~ The list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the ~~probate judge of probate.~~ The absentee election manager shall also, before ~~Before~~ the polls open at any election, ~~cause to be delivered the absentee election manager shall effectuate the delivery to the~~ election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for ~~such the~~ polling place who applied for an absentee ballot in the election. The name of ~~every such the~~ person who applied for an absentee ballot shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. ~~A prospective absentee voter who makes application for a primary ballot may at the same time apply for an absentee ballot for any subsequent run-off primary and/or general election. Separate applications for absentee ballots are required for primary, including primary run-off, special, including special run-off, and general elections.~~

“§17-10-7.

“Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit which shall be used in general, special or municipal elections shall be substantially as follows:

“State of Alabama

“County of

“I, the undersigned, do swear (or affirm) that:

“(1) I am a resident of _____ county in the state of Alabama.

“(2) My place of residence in Alabama is:

(street)
_____, Alabama
(city or town) (zip code)

“(3) My voting precinct (or place where I vote) is:

“(4) My date of birth is: _____
“month day year

“(5) I am entitled to vote an absentee ballot because:

“Check only one:

“_____ I have moved from Alabama less than thirty days prior to the election.

“_____ I will be out of the county or the state on election day.

“_____ I am physically incapacitated and will not be able to vote in person on election day.

“_____ I work a required workplace shift that conflicts with polling hours.

““I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

““I have marked the enclosed absentee ballot voluntarily and that I have read or had read to me and understand the instructions accompanying this ballot and that I have carefully complied with such instructions.

““Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed \$1,000.00 and/or confinement in the county jail for not more than six months.

(Signature or mark of voter.)

(Printed name of voter.)

““Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older excluding a candidate or members of the immediate family of a candidate to the second degree of kinship by affinity or consanguinity or any member of a political committee of a candidate as prescribed by Section 17-22-5.

““Sworn to and subscribed before me this _____ day of _____, 19____, I certify that the affiant is known (or made known) to me to be the identical party he claims to be.

(Title of official) (Signature of official)

(Address of official)

REGULAR SESSION
9th Day

713

OR

“1st Witness

Signature

Print name

Address

City Zip Code

“2nd Witness

Signature

Print name

Address

City Zip Code”

“§17-10-12.

“(a) Not less than 40 days prior to the holding of any election to which this chapter pertains, ~~and not less than 15 days for the 1992 election cycle only~~, or in the case of a run-off primary election to which this chapter ~~pertains~~, not more than seven days after the first primary election, the officer charged with the printing and distribution of the official ballots and election supplies shall deliver to the absentee election manager of each county in which the election is held or to the person designated to serve in his or her place a sufficient number of absentee ballots, envelopes, and other necessary supplies. If the absentee election manager is a candidate with opposition in the election, he or she shall immediately, upon receipt of the ballots, envelopes, and supplies, deliver them to the person authorized to act in his or her place, as provided in Section 17-10-13.

“(b) Any registered elector admitted to a licensed hospital by a licensed physician for emergency treatment within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than 5:00 p.m. on the day before

the election is held. The attendant physician shall describe and certify the circumstances as constituting an emergency on a special form designed by the Secretary of State and provided by his or her office to local absentee election managers. The special form shall be attached to the application.

“(c) Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if he or she is required by his or her employer under unforeseen circumstances to be out of the county on an emergency business trip on election day. Under such circumstances, the applicant shall apply for an emergency absentee ballot at the office of the absentee election manager no later than the close of the business day one day prior to the election. The applicant shall complete and file an application form designed by the Secretary of State for emergency absentee voters. The form shall contain an affidavit which the applicant shall sign or swear acknowledging that he or she was not aware of the out of county business requirement prior to five days before the election. An applicant who meets the requirements of this subsection may vote by an emergency absentee ballot. After voting the ballot, the voter shall hand the ballot to the absentee election manager.

“§17-10-17.

“(a) Any person who willfully changes an absentee voter’s ballot to the extent that it does not reflect the voter’s true ballot, or any person who willfully votes more than once by absentee in the same election, or any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes absentee voting in an election for direct personal financial gain as a result of collecting payment per absentee ballot received in violation of this chapter, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than two years, or by a fine of not less than \$500.00 nor more than \$2,000.00, or by being both fined and imprisoned guilty of the crime of absentee voting fraud which shall be a Class C felony. It shall be unlawful for any candidate who has an opponent on the ballot to aid or assist or to tell or suggest the name of any candidate to any person when he the person is in the process of voting his an absentee ballot before the register or other person authorized to administer oaths. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

“(b) Upon request by the local district attorney or the Secretary of

State, the Attorney General shall provide investigating assistance in instances of absentee election violations.

“(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.

“§17-12-1.

“(a) Any qualified elector of the precinct in which any person proposes to vote ~~shall have the right to~~ may challenge ~~such the~~ person so offering to vote whom he or she may know or suspect is not entitled or duly qualified as an elector to vote at the precinct where he or she offers to vote.

“(b) The challenge shall be communicated to the inspectors before the person is permitted to vote by the sheriff or some other person in attendance and in charge of admission to the polling place where his or her right to vote ~~must~~ shall be determined as provided by sections 17-12-3 and 17-12-4.

“(c) The challenge to an absentee ballot shall be communicated to an absentee election officer before the absentee ballot is tabulated and certified by the absentee election officers.

“§17-12-2.

“(a) The inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself or herself to vote has registered, ~~such~~ The finding of the challenger shall ~~to~~ be from an examination of the official list of the voters furnished by the judge of probate. If the name of the person does not appear on ~~such the~~ list, the challenger shall challenge ~~said the~~ voter.

“(b) The absentee election officers shall select jointly one official who shall ascertain if each challenged absentee ballot is a legitimate ballot as required by law.

“§17-12-3.

“When any person offering to vote at the polls is challenged by an inspector or by any qualified elector, before ~~such the~~ person shall be allowed to vote, he or she shall take and subscribe an oath which one of the

inspectors shall tender, read, and administer to him or her, and which shall be in the following form:

'State of Alabama, County of I do solemnly swear (or affirm) that I am a duly qualified elector under the constitution and laws of the State of Alabama. 2. That I am 18 years of age or upwards. 3. That I have not been convicted of any crime which disfranchises me. 4. That I have been duly registered. 5. I know of no reason why I am not entitled to vote. 6. I am generally known by the name under which I now desire to vote, which is 7. I have not voted and will not vote in any other precinct (or if the precinct has been divided into districts, in any other voting district) in this election. 8. My occupation is, the name of my employer is 9. My residence is (if in a city or town give street number). 10. That and have personal knowledge of my residence in the State of Alabama. 11. This affidavit has been read to me. So help me God. Signature. Subscribed and sworn to before me this day, 19"

"§17-12-7.

"Any inspector of election or absentee election officer who ~~shall~~ wilfully ~~exclude~~ excludes any vote ballot duly ~~tendered and unchallenged~~ cast, knowing that the person offering the ~~same~~ ballot is lawfully entitled to vote at ~~such the~~ election, or who ~~shall~~ wilfully ~~receive~~ receives a vote ballot from any person who has been duly challenged in relation to his or her right to vote at ~~such the~~ election, without exacting from ~~such the~~ person ~~such an~~ oath or other proof of qualification as ~~is~~ required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than ~~\$100.00~~ one hundred dollars (\$100), and may also be sentenced to hard labor for the county for not more than six months.

"§17-12-8.

"Any inspector of election or absentee election officer who ~~shall~~, without challenging ~~him~~ a person, ~~permit~~ permits ~~any the~~ person to vote, knowing that he or she is not a qualified elector, shall be fined not less than ~~\$100.00~~ one hundred dollars (\$100)."

Section 2. This act shall become effective on January 1, 1995.

Senator Corbett offered the following amendment to the substitute for the Bill, SB 18, to-wit:

AMENDMENT TO SUBSTITUTE FOR SB 8

On page 12, lines 18 to 21, inclusive, after the word “be” delete striking in its entirety.

On page 12, line 21, after the word “~~imprisoned~~” delete the following:

guilty of the crime of absentee voting fraud which shall be a Class C felony

Which was adopted.

Senator Sanders offered the following amendment to the substitute, as amended, for the Bill, SB 8, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR SB 8

On page 5, line 20, after the word “manager” delete the word “suspects” and insert in lieu thereof the following:

has reasonable cause to believe

On page 5, line 22, after the word “the” delete the following:

absentee

On page 5, line 22, after the word “manager” delete “may require in a timely” and insert in lieu thereof the following:

shall turn over the ballot application to the District Attorney for any action which may be necessary under this act or other acts.

On page 5, lines 23 and 24, delete the following:

manner the applicant to sign an affidavit verifying that the address for the ballot is legal.

Which was adopted.

And said Ghee substitute, as amended, was then adopted.

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Floyd, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -19

Nays:

- 0

And said Bill, SB 8, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Floyd, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Hill, B.I.R., SB 285, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Dial, Ellis, Escott-Russell, Floyd, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 285. Relating to Talladega College, granting certain persons employed by the college certain police powers, amending Section 16-22-1, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22 Nays 0

**REGULAR SESSION
9th Day**

719

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Floyd, Ghee, Hill, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, and Windom -22

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 125, adopted.

Yeas 18 Nays 2

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Owens, Sanders, Smith (J), Waggoner, and Windom -18

Nays:

Senators:

Bailey and Underwood

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 125. To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for four pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 125, to-wit:

SUBSTITUTE FOR SB 125

**A BILL
TO BE ENTITLED
AN ACT**

To create an Education Technology Fund within the State Treasury and to make an appropriation to the Education Technology Fund for five

pilot programs to augment the science curriculum for the fiscal year ending September 30, 1994.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby created within the State Treasury a fund, designated the Education Technology Fund, hereinafter referred to as the Fund. The State Superintendent of Education shall authorize the expenditure of monies within the Fund, upon the approval of the State Board of Education. Receipts to the Fund shall include, but shall not be limited to the following: 1) appropriations made at the discretion of the Legislature; 2) grant funds; 3) donations and contributions; 4) federal funds; and 5) appropriations made by local governments. At the end of any fiscal year, unexpended monies remaining in the Fund shall not revert but shall remain available for appropriation. The expenditure of monies in the Fund shall be subject to appropriation by the Legislature and subject to the provisions of the Budget Management Act, Sections 41-19-1 through 41-19-12, Code of Alabama 1975. The State Board of Education shall ensure that expenditures made from the Education Technology Fund shall be based on educational need and shall be made in an equitable manner.

Section 2. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Education Technology Fund, the sum of \$1,620,000 for the fiscal year ending September 30, 1994, to be expended for pilot programs to augment the science curriculum in school year 1994-95. Such pilot programs shall be five Science In Motion networks, consisting of one fully-equipped chemistry van and one fully-equipped physics or biology van for each of the five networks.

Section 3. It is the intent of the Legislature that the State Board of Education ensure that there shall be at least one Science In Motion network that serves schools in the Blackbelt counties and one network that serves a significant number of inner city schools. It is further the intent of the Legislature that the appropriation made in Section 2 of this act include funding for the necessary certificated personnel, ten vans with modifications, the scientific equipment, supplies, operating expenses, in-service training, travel necessary for the implementation of the pilot programs and recordkeeping and documentation related to the pilot programs. The State Superintendent of Education shall also initiate the preparation of requests for grant funds from governmental, corporate or private sources for the Science In Motion program in this state.

Section 4. The State Board of Education may adopt rules and regulations necessary for the implementation of this act.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17 Nays 3

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Floyd, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Waggoner, and Windom -17

Nays:

Senators:

Bailey, Corbett, and Underwood - 3

On motion of Senator Horn, the Rules were suspended and further consideration of the Bill, SB 125, as amended, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Wilson, B.I.R., HB 57, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

FURTHER CONSIDERATION OF HB 57

The Senate proceeded to further consideration of the Bill, HB 57.

And said Bill, HB 57, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Foshee, Hale, Hill, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Waggoner, Wilson, and Windom-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 212, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 212. To provide for the Alabama Recreational Trails System within the Department of Conservation and Natural Resources for the development of recreational trails; to provide for the Alabama Rails to Trails Program within the trail system; to provide for an advisory council; to provide for the adoption of regulations concerning the use of trails; and to provide penalties for violations.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, SB 212, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett requested and received permission to suspend the

Rules in order to bring up the Bill, SB 262.

Senator Corbett, B.I.R., SB 262, adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority and the Russell County Water Authority from the levy of the tax.

was taken up.

On motion of Senator Dial, the Rules were suspended and further consideration of the Bill, SB 262, was postponed subject to the call of the Chair.

FURTHER CONSIDERATION OF SB 212

The Senate proceeded to further consideration of the Bill, SB 212.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, SB 212, to-wit:

AMENDMENT TO SB 212

On page 9, lines 4 through 8, delete subsection (c) of Section 7 in its entirety and insert in lieu thereof the following:

(c) Easements and rights-of-way upon, over, under, across, or along any land, the fee title or lesser interest of which has been acquired for the purposes of this act, shall be subject to the condemnation of easements, rights-of-way, and other necessary rights and estates in property by or on behalf of corporations that construct, own, or operate railroads, pipelines for the transportation of oil, gas, fuel or water, hydroelectric, or other elec-

tric generation facilities and electric lines, telephone transmission lines, and other communication facilities, or any other public utility or method of transportation which serves, or is intended to serve, the public convenience and necessity to the same extent and under the same conditions that the lands, if owned by private persons, would be subject to condemnation by the corporations under federal or state law now in effect or hereafter enacted. No use of the acquired lands shall constitute a use thereof for public purposes that will require proof of actual necessity by any corporation seeking to condemn the lands.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

Senator Ghee offered the following amendment to the Bill, SB 212, as amended, to-wit:

AMENDMENT TO SB 212, AS AMENDED

On page 8, lines 14 to 19, inclusive, delete subsection (e) in its entirety.

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

On motion of Senator Ghee, the Rules were suspended and further consideration of the Bill, SB 212, was postponed subject to the call of the Chair.

RESOLUTION

Senators Bailey, Horn, Dial, Floyd, Smith (J), and Campbell requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 35. EXPRESSING THE WILL OF THE LEGISLATURE REGARDING THE MARKUP ON ALCOHOLIC BEVERAGES.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF SB 262

The Senate proceeded to further consideration of the Bill, SB 262.

Senator Dial offered the following amendment to the Bill, SB 262, to-wit:

AMENDMENT TO SB 262

On page 1, line 14, after the word "Authority" delete the word "and" and insert in lieu thereof the following:

,

On page 1, line 14, after the second "Authority" insert the following:

, and the Chambers County E911 Authority

On page 1, line 23, after the word "Authority" delete the word "and" and insert in lieu thereof the following:

,

On page 1, line 23, after the second "Authority" insert the following:

, and the Chambers County E911 Authority

On page 2, line 13, after the "period" delete the following:

“

On page 2, line 14, insert the following new subsection:

“(e) The Chambers County E911 Authority is exempt from all taxes levied under Section 40-21-82.”

Which was adopted.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Dial, Ellis, Floyd, Ghee, Langford, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

And said Bill, SB 262, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Smith (J), B.I.R., SB 7, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 7. To amend Sections 13A-6-20 and 13A-6-22, Code of

Alabama 1975, to make the crime of assault on a peace officer a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 7, to-wit:

AMENDMENT TO SB 7

Amend SB 7, on Page 2, Line 19, as follows:

by adding the word “physical” after the word “causes”

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -24

Nays:

- 0

Senator Floyd offered the following amendment to the Bill, SB 7, as amended, to-wit:

AMENDMENT TO SB 7, AS AMENDED

On page 3, line 6, after the word “felony” insert the following language:

; however, a conviction under Section 13A-6-20(4) shall be punished as a Class C felony

Which was adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom

-24

Nays:

- 0

Senator Smith (J) offered the following amendment to the Bill, SB 7, as amended, to-wit:

AMENDMENT TO SB 7, AS AMENDED

On page 1, line 22, after the word “officer”, amend by inserting the following:

or a teacher or employee of a public educational institution

On page 3, line 4, amend by striking through the period, “.”, and inserting in lieu thereof the following:

: or

On page 3, after line 4, amend by inserting the following:

(7) Under circumstances manifesting extreme indifference to the value of human life, he or she recklessly engages in conduct which creates a grave risk of death to a teacher or to an employee of a public educational institution, and thereby causes serious physical injury to another person.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson

-19

Nays:

- 0

And said Bill, SB 7, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

**REGULAR SESSION
9th Day**

729

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Floyd, B.I.R., SB 77, adopted.

Yeas 16 Nays 2

Yeas:

Senators:

Bedsole, Bolling, Campbell, Ellis, Floyd, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -16

Nays:

Senators:

Amari and Corbett

- 2

BILLS ON THIRD READING RESUMED

THE BILL:

S. 77. To amend Section 6-2-8 of the Code of Alabama 1975, relating to the suspension of the limitation on commencing a civil action and on exercising certain civil rights due to disabilities by prisoners.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Lindsey, B.I.R., SB 379, adopted.

Yeas 18 Nays 1

Yeas:

Senators:

Bailey, Bolling, Campbell, Ellis, Floyd, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom
-18

Nay: Senator Corbett

- 1

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 379. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special revolving fund, and providing for a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 1

Yeas:

Senators:

Bailey, Bolling, Ellis, Escott-Russell, Floyd, Ghee, Langford, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom
-19

Nay: Senator Corbett

- 1

BUDGET ISOLATION RESOLUTION

Senator Ghee, B.I.R., SB 101, adopted.

Yeas 19 Nays 0

**REGULAR SESSION
9th Day**

731

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 101. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Sections 17-4-189, 17-4-211, and 17-4-214 of the Code of Alabama 1975, to transfer the Office of Voter Registration to the Secretary of State's office and provide for certain additional personnel in the office; to provide further for the time for reidentifying and registering electors prior to an election; to provide for a centralized system for voter registration under the Secretary of State and for dissemination of information on voter registration under certain conditions and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

was taken up.

On motion of Senator Ghee, the Rules were suspended and further consideration of the Bill, SB 101, was postponed subject to the call of the Chair.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 9, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting or trapping, in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

was taken up.

The Standing Committee on Judiciary/Criminal Justice and Public Safety reported the following amendment to the Bill, SB 9, to-wit:

AMENDMENT TO SB 9

Amend Senate Bill 9, on Page 3, Line 14-15, as follows:

Delete Section 8 in its entirety and renumber all subsequent sections.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

Senator Corbett offered the following amendment to the Bill, SB 9, as amended, to-wit:

AMENDMENT TO SB 9, AS AMENDED

On page 1, line 11, after the “,” delete the following:

trapping,

On page 1, line 16, after the “,” delete the following:

trapping,

On page 2, line 4, after the word “hunting” delete the following:

or trapping,

On page 2, line 13, after the word “hunting” delete the following:

or trapping

On page 2, line 20, after the word “hunted” delete the following:

or trapped

On page 2, line 22, after the word “hunting” delete the following:

or trapping

On page 2, line 27, after the word “hunting” delete the following:

or trapping

On page 2, line 30, after the word “waters” insert the following:

, or acts committed on publicly owned lands or waters; provided, however, that the provisions of this act shall apply to wildlife and game management areas operated by the Game and Fish Division of the Alabama Department of Conservation

On page 3, line 4, after the word “Class” delete “B” and insert in lieu thereof the following:

C

On page 3, lines 10 and 11, after the word “hunting” delete the following:

, trapping, or other legal activities relating to wildlife resources

On page 3, line 16, after the word “effective” delete “90 days” and insert in lieu thereof the following:

January 1, 1995,

Which was adopted.

Yeas 13 Nays 5

Yeas:

Senators:

Bailey, Campbell, Corbett, Ghee, Horn, Langford, Little, Owens, Sanders,
Smith (J), Underwood, Waggoner, and Windom - 13

Nays:

Senators:

deGraffenried, Dial, Dixon, Ellis, and Parsons - 5

And said Bill, SB 9, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 18 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Ghee,
Horn, Langford, Little, Owens, Parsons, Sanders, Smith (J), Underwood,
and Windom -18

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 263, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-
Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sand-
ers, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 263. To provide that advertised notices of foreclosure of real property shall include the street address of the foreclosed property.

was taken up.

Senator Corbett offered the following substitute for the Bill, SB 263, to-wit:

SUBSTITUTE FOR SB 263

**A BILL
TO BE ENTITLED
AN ACT**

To provide that advertised notices of foreclosure of real property shall include the street address or a description of the general location of the foreclosed property; to provide for the effect of failure to include the address or location or the correct address or location; and to provide for the effective date of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Advertised foreclosure notices shall include the street address of real property subject to foreclosure, except as set forth in this section. If the real property has no street address or the street address is unknown to the person on whose behalf the advertised foreclosure notice is made, then the advertised foreclosure notice shall include a description of the general location of the real property subject to foreclosure such as, without limitation, the route, road or highway number at which the property subject to foreclosure is located. The requirements of this act shall apply only to advertised foreclosure notices of real property where the mortgage is dated after the effective date of this act.

Section 2. The mortgagee or other person on whose behalf the advertised foreclosure notice is conducted shall be entitled to rely upon the mortgagor's statement or representation of the street address or general location description of the property subject to foreclosure. The failure to include the street address or general location description, or the failure to include the correct address or correct general location description, of the property in the advertised foreclosure notice shall not invalidate or otherwise affect the validity of the foreclosure or create any claim against or liability of the person on whose behalf the foreclosure was conducted or the person conducting the foreclosure.

Section 3. This act shall be construed in pari materia with existing laws relating to notice and recording instruments relating to title or interest in real property.

Section 4. This act shall become effective 90 days after the date of its passage and approval of the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

And said Bill, SB 263, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 40, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 40. To increase the number of trustees on the Board of Trustees of Selma University and to provide for their appointment.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays: - 0

FURTHER CONSIDERATION OF SB 101

The Senate proceeded to further consideration of the Bill, SB 101.

The Standing Committee on Constitution and Elections reported the following substitute for the Bill, SB 101, to-wit:

SUBSTITUTE FOR SB 101

A BILL TO BE ENTITLED AN ACT

To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Sections 17-4-189 and 17-4-214 of the Code of Alabama 1975, to provide for certain additional personnel in the office; to provide further for the time for reidentifying and registering electors prior to an election; to provide for a centralized system for voter registration under the Secretary of State and for dissemination of information on voter registration under certain conditions; to provide for the Voter Registration Fund in the State Treasury; to authorize the Secretary of State to enter into inter-agency agreements to implement the National Voter Registration Act of 1993 and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

On motion of Senator Ghee, said substitute was laid on the table.

Senator Ghee then offered the following substitute for the Bill, SB 101, to-wit:

SUBSTITUTE FOR SB 101

A BILL
TO BE ENTITLED
AN ACT

To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Section 17-4-189 of the Code of Alabama 1975, to provide for certain additional personnel in the office; to allow counties to compensate deputy registrars under certain circumstances; to provide for dissemination of information on voter registration under certain conditions; to provide for the Voter Registration Fund in the State Treasury; to authorize the Secretary of State to enter into inter-agency agreements to implement the National Voter Registration Act of 1993 and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-4-189 of the Code of Alabama 1975, is amended to read as follows:

“§17-4-189.

“To assist in the reidentification required by this article, in the registration of electors and in the board's continuing performance of its lawful duties, each board of registrars shall appoint in accordance with section 17-4-157, at least one or more deputy registrars in each precinct in the county for a four-year term or for the remainder of an unexpired term. A deputy registrar's term of appointment shall run concurrently with that of the board. Deputy registrars shall be free to accept applications to reidentify and register any elector at any time, up to 10 days prior to an election. Any person serving as a deputy registrar shall be trained by the board of registrars, ~~and shall not be entitled to compensation.~~ County governing bodies may compensate deputy registrars and clerical help as may be needed in periods of heavy registration resulting from the implementation of the National Voter Registration Act of 1993. The board shall provide deputy registrars with all necessary forms to perform their duties, and when such forms are completed, deputy registrars shall return them to the office of the board of registrars as the board may require, but not later than five working days.”

Section 2. (a) The Secretary of State shall be the primary state official for federal contact for the implementation of the National Voter

Registration Act of 1993. The Secretary of State is the chief state elections official.

(b) The State Department of Public Safety shall integrate voter registration into driver's license application and renewal or updating procedures.

(c) The state through the Secretary of State's Office shall allow citizens to register to vote by mail. The voter registration application may be designed by the Secretary of State provided it meets the requirements of the National Voter Registration Act of 1993. The Secretary of State may, however, choose to use federally prescribed forms.

(d) State agencies which provide food stamps, Medicaid, services related to Women and Infant Children program (WIC), services related to Aid to Families with Dependent Children (AFDC), and agencies providing services to the disabled shall provide voter registration opportunities to their clientele in accordance with the National Voter Registration Act of 1993.

(e) Recruitment offices of the armed forces of the United States shall provide voter registration opportunities to their clientele in accordance with the National Voter Registration Act of 1993.

(f) Other public offices and agencies which may provide the voter registration services provided by the National Voter Registration Act of 1993 include public libraries, public schools, offices of municipal clerks, probate offices, state and local revenue offices, unemployment compensation offices, offices providing services to the disabled other than those required in (d) to provide voter registration services, and federal and nongovernmental offices which agree to provide the voter registration services.

(g) Voter registration, confirmation documents, and any other documents necessary to be prescribed by the Secretary of State to meet the requirements of the National Voter Registration Act of 1993 shall be prepared and furnished as provided for in Sections 17-4-126 and 17-4-137, Code of Alabama 1975.

Section 3. The Secretary of State may hire a computer programmer and other necessary personnel to carry out the additional responsibilities placed on his or her office by state implementation of the National Voter Registration Act of 1993. The programmer and other personnel employed shall be under the state merit system. State agencies shall not charge fees to the Secretary of State or to the Office of Voter Registration for computer consulting or computer services rendered which are required by

Section 17-4-210, Code of Alabama 1975, for the state to comply with voter registration requirements of the United States Department of Justice.

Section 4. In addition to any funds appropriated to the Secretary of State for the 1993-94 fiscal year in the General Fund Budget Act, an appropriation of two hundred thousand dollars (\$200,000) is made to the Secretary of State for the 1993-94 fiscal year to be used to offset any additional financial burden, including printing, placed on the office by state implementation of the National Voter Registration Act of 1993.

Section 5. The Director of Voter Registration shall ensure that all applicants obtain requested voter lists in a timely manner. Methods shall be established for the transmission of tapes, discs, or lists to any applicant. Hindrances shall not be created or devised to delay transmission of tapes, discs, or lists to any applicant. Except as provided in this section, there shall be a uniform charge for the production of voter lists. The costs of the basic electronic copy of the statewide file shall be reasonable as determined by the Office of Voter Registration and a fee schedule shall be conspicuously posted in the office of the director. Costs of printed copies of lists are as otherwise provided by law. Access to the lists and voter history information contained on the central computer in the Office of Voter Registration is accessible to anyone making application, except social security numbers which are not to be released. Proceeds from the sale of tapes, discs, lists, labels, or other materials from the Office of Voter Registration shall be retained by the Director of the Office of Voter Registration for use in the Office of Voter Registration. Upon application and without charge legislators shall be furnished up to two free printed copies of the voter lists for their districts during a legislative quadrennium and resale of the lists shall be strictly prohibited.

Section 6. It shall be the responsibility of the Board of Registrars to enter in a timely manner the names of the electors who vote in each election into the state voter file computer as maintained by the Office of Voter Registration.

Section 7. There is established a separate trust fund in the State Treasury to be known as the Voter Registration Fund. All receipts collected under this act by the Office of Voter Registration are to be deposited in this fund. The receipts shall be disbursed only by warrant of the State Comptroller drawn upon the State Treasury supported by itemized vouchers approved by the Director of Voter Registration. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Ala-

bama 1975, and only in amounts as stipulated in the general appropriations act or other appropriations acts.

Section 8. The Secretary of State shall promulgate rules and regulations and prescribe forms as shall be necessary to implement the National Voter Registration Act of 1993 in Alabama on January 1, 1995, including any rules, regulations, and forms necessary for the administration of the act by state departments and agencies. The Director of the Office of Voter Registration shall work in close cooperation and coordination with the Secretary of State and under his or her direct supervision for the implementation of the National Voter Registration Act of 1993. The Secretary of State is further authorized to enter into inter-agency agreements with other government agencies for the implementation of the National Voter Registration Act of 1993.

Section 9. Violation of this act shall be a Class C misdemeanor punishable as provided by law.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

Senator Ghee then offered the following amendment to the Bill, SB 101, as amended by the substitute, to-wit:

AMENDMENT TO SB 101, AS AMENDED

Amend SB 101, as amended by the substitute, on Page 3, Line 19, after the word "registrars" by striking the remainder of that sentence and the following sentence to "1993." and inserting in lieu thereof the following:

"and shall not be entitled to compensation. County governing bod-

ies may authorize the boards of registrars to appoint additional deputy registrars, not to exceed six (6), to help as may be needed in periods of heavy registration, not to exceed 10 registration days, resulting from the implementation of the National Voter Registration Act of 1993. County Governing bodies are authorized to provide additional clerical help as needed. Each deputy registrar appointed for this purpose shall receive a salary in the amount of \$40.00 per day and shall be paid by the state as provided for in Section 17-4-153, Code of Alabama 1975.

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

And said Bill, SB 101, as thus amended, was read a third time at length and passed and ordered sent forthwith to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

FURTHER CONSIDERATION OF SB 202

The Senate proceeded to further consideration of the Bill:

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; to define the word "possession"; to provide for exceptions; and to prescribe penalties.

having been postponed on the Eighth Legislative Day.

Senator Dixon offered the following amendment to the Bill, SB 202, to-wit:

AMENDMENT TO SB 202

On page 3, line 17, insert a new Section 6 and renumber subsequent sections, as follows:

Section 6. The provisions of this act shall apply to persons under the age of 19

Which was adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

And said Bill, SB 202, as thus amended, was read a third time at length and passed and ordered sent forth to the House upon engrossment.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Escott-Russell, Ghee, Lindsey, Lipscomb, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, and Wilson -19

Nays:

- 0

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 35. EXPRESSING THE WILL OF THE LEGISLATURE REGARDING THE MARKUP ON ALCOHOLIC BEVERAGES.

WHEREAS, there is a significant shortfall in revenues for the next fiscal year; and

WHEREAS, all existing opportunities to gain additional funds for the State General Fund should be utilized; and

WHEREAS, the Alcoholic Beverage Control Board is empowered to fix the wholesale and retail prices at which liquor will be sold at Alabama liquor stores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the will of the Legislature of Alabama that the Alcoholic Beverage Control Board take appropriate action to increase the markup on alcoholic beverages sold by the state from 30 percent to 40 percent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor and the Alcoholic Beverage Control Board so that they may understand the will of the Legislature regarding this matter.

ADJOURNMENT

At 3:30 P.M., on motion of Senator Windom, in accordance with Motion heretofore adopted, and pending further consideration of the Resolution, SJR 35, the Senate adjourned until Tuesday, February 8, 1994, at 10 o'clock A

TENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 8, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Senator Walter Owens, Twenty-Fourth Senatorial District.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kenneth L. Barton, Marion Military Institute, Marion, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom -33

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Foshee, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Foshee, leave of absence was granted Senators Escott-Russell and Smith (J) for today.

MOTION TO ADJOURN

Senator Foshee moved that when the Senate adjourns today, it adjourn to meet again on Thursday, February 10, 1994, at 9 o'clock A.M., which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Foshee:

S. 460. To amend Section 36-25-24, Code of Alabama 1975, to provide further for citizens' filing of complaints with the State Ethics Commission and to provide penalties for filing certain complaints.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Dixon:

S. 461. Relating to antique tags; to amend Section 40-12-290, Code of Alabama 1975, to limit the type of vehicle which may qualify for issuance of an antique tag; to provide for county issuance of the antique tag; to limit the use of the antique tag; to increase the registration fee for the issuance of an antique tag from \$10 to \$25; and to repeal Section 40-12-295, Code of Alabama 1975, requiring the Department of Revenue to furnish the sheriff of each county a list of persons registered as operators of motor vehicles with antique tags.

Committee on Finance
and Taxation

By Senator Horn:

S. 462. To amend Section 17-4-153, Code of Alabama 1975, to provide further for the salary of each member of the Board of Registrars in each county.

Committee on Finance
and Taxation

By Senator Horn:

S. 463. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Dixon:

S. 464. To amend Section 32-6-2, Code of Alabama 1975, relating to persons exempt from obtaining a driver's license within 30 days of establishing a residence in Alabama.

Committee on Governmental
Affairs/State Administration

By Senator Horn:

S. 465. To provide procedures by which municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the fair market value of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; to provide certain tax exemptions for district management corporations; to provide immunity from civil liability to district management corporations and their noncompensated officers and directors; and to provide immunity from civil liability to the

municipality respecting acts of district management corporations, their officers, directors, agents or employees.

Committee on Commerce,
Transportation, and Utilities

By Senator Dixon:

S. 466. Relating to the Alabama Board of Cosmetology; to provide further for the regulation, teaching, licensing, and practice by cosmetologists/barbers, manicurists, and estheticians; to provide further for the powers of the board, for the compensation of the board, for the compensation of its members, and that its rule making powers and the review of its rulings be governed by the Administrative Procedure Act; and to provide for misdemeanor offenses and other fines and penalties; by amending Sections 34-7-1, 34-7-2, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-12, 34-7-16, 34-7-21, 34-7-24, 34-7-25, 34-7-40, 34-7-41, 34-7-42, and 34-7-47 of the Code of Alabama 1975.

Committee on Governmental
Affairs/State Administration

By Senator Dial:

S. 467. Relating to the Ethics Law, to add certain definitions, redefine other terms, and expand persons covered under the Ethics Act; to change references to elected officials and government employees to public officials and public employees throughout the Ethics Law; to authorize the Alabama Ethics Commission to initiate investigations and to issue subpoenas; to employ a full-time attorney with prosecutorial powers; to investigate anonymous complaints in specified circumstances; to provide further for standards of conduct; to add additional requirements for financial disclosure; to prohibit legislators from representing the state, county, municipalities, or instrumentalities, in their districts; to prohibit representation by certain public officials, public employees, and family members, of certain businesses of clients for a fee before quasi-judicial boards or commissions, governmental regulatory agencies, or executive departments or agencies; to prohibit attorney-legislators from representing clients before certain regulatory agencies and departments; to prohibit regulatory officials and employees and families from accepting anything of value in specified circumstances; to prohibit, for a certain period, former state officials and public employees from serving for fees as lobbyists or before agencies where they have previously served; to prohibit conversion of campaign funds to personal use; to provide for the removal of names of candidates from ballots; to provide for annual registration and an annual fee for lobbyists; to broaden

the reporting requirements of lobbyists; to authorize the commission to assess a civil penalty for failure to file a correct, timely statement of economic interests; to provide further for the statute of limitations for violations and to amend Sections 36-25-1, 36-25-2, 36-25-4, 36-25-5, 36-25-6, 36-25-7, 36-25-10, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-18, 36-25-19, and 36-25-27 of the Code of Alabama 1975.

Committee on Constitution
and Elections

By Senator Horn:

S. 468. Relating to transient occupancy taxes; to amend Sections 40-26-1 and 40-26-20 of the Code of Alabama 1975, to levy an additional one percent transient occupancy tax and distribute the revenues generated by this levy to the State Bureau of Tourism and Travel.

Committee on Finance
and Taxation

By Senator Little:

S. 469. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Committee on Education

By Senator Bedsole:

S. 470. To amend Section 33-4-38 of the Code of Alabama 1975, which provides for the levy, payment, and disposition of the license tax of a ship pilot, to increase the amounts.

Committee on Finance
and Taxation

By Senator Corbett:

S. 471. To amend Sections 36-30-20 and 36-30-21 of the Code of Alabama 1975, relating to compensation for disability or death of municipal police officers; to extend the coverage of benefits for death or disability from occupational diseases of police officers and to all municipali-

ties; to define the term police officer; and to provide for totally and partial dependents.

Committee on Economic Affairs

By Senator Sanders:

S. 472. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10, Code of Alabama 1975.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Wilson:

S. 473. To make a supplemental appropriation to the Planning Division of the Alabama Department of Economic and Community Affairs from the State General Fund for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Lindsey:

S. 474. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil and to provide an exemption for natural gas lawfully vented or flared in connection with the production of gas from the Conservation and Production Tax and the Privilege Tax.

Committee on Energy and
Natural Resources

By Senator Parsons:

S. 475. This bill would provide that a person employed as a county attorney by a county shall not be paid more than the district attorney of the judicial circuit in which the county is located.

Committee on Finance
and Taxation

By Senator Amari:

S. 476. To provide that the state allocation to each two-year postsecondary educational institution in any fiscal year, beginning with the fiscal year ending September 30, 1995, shall not be less than 80 percent of the average for peer institutions in the Southern Regional Education Board states; and to provide that it is the intent of the Legislature that sufficient funds to achieve this level of funding for each two-year postsecondary educational institution are annually appropriated from the Alabama Special Educational Trust Fund.

Committee on Finance
and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall (A), Drake, Freeman, Crow, Turner, Kvalheim, Hogan, Page, Hall (L), Rogers (J), Hilliard, Penry, Butler, Burke, Millican, Parker (P), Rockhold, Cagle, and Bowling:

H. 359. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 359 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and

ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 360. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 360 - to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Ford (With Notice and Proof):

H. 66. Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 66 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Freeman:

H. 92. To make a supplemental appropriation from the Alcoholic Beverage Control Board Fund in the State Treasury to the Alcoholic Beverage Control Board for the fiscal year ending September 30, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 92 - to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Johnson and McClain:

H. 244. To provide that a defendant who has been adjudged in

a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 244 - to the Committee on Judiciary/Civil

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Richardson, Fuller, McDaniel, and Clark (J):

H. 16. To amend Sections 11-58-1, 11-58-2, 11-58-3, 11-58-4, 11-58-7, 11-58-12, and 11-58-13 of the Code of Alabama 1975, relating to the incorporation of municipal medical clinic boards to operate municipal medical clinics, so as to authorize counties to incorporate county medical clinic boards to operate county medical clinics, and to define county medical clinics as nonprofit rural health clinics.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 16 - to the Committee on Health

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Page:

H. 249. Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 249 - to the Committee on Governmental Affairs/Local Government

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hooper:

H. 361. To provide for a means to safeguard the public against injury and loss of life or the interruption of public services caused by damage to various underground facilities by communicating and coordinating adequate prior notification of excavation or demolition activities that might damage or interrupt services provided by certain underground facilities; to prohibit certain activities without first having ascertained the location of

any potentially affected underground facilities; to prescribe procedures for notification of an intent to undertake certain activities; to prescribe certain activities to be included in an underground damage prevention program; to prescribe procedures for response to both emergency and routine notification and for reporting damage resulting from certain activities; to prescribe civil penalties for violations and exceptions to such penalties; to provide for the liberal construction and severability of any part of this act and to provide that this act shall become effective on January 1, 1995.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 361 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Crow and Willis (With Notice and Proof):

H. 278. Relating to Calhoun County; clarifying that the governing body of Calhoun County has the authority, and expressly authorizing the governing body of Calhoun County, pursuant to general law, to approve or disapprove of any sites used for solid waste collection, transfer, or disposal or for any part of that process.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 278, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 278 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

H. 2. To provide distinctive motor vehicle license tags or plates for members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; providing for the fees for these tags or plates and for the disposition of the net proceeds from the fees; and providing for a delayed effective date.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 2 - to the Committee on Commerce, Transportation, and Utilities

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Butler:

HJR 101. COMMENDING GERRY ZERINGUE OF MADI-

SON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Bolling, the Rules were suspended and the Resolution, HJR 101, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

HJR 106. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 3, 1994, they adjourn to meet again on Tuesday, February 8, 1994.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, HJR 106, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Mitchell, Chairperson of the Standing Committee on Governmental Affairs/State Administration, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Amari:

S. 1. Amending Sections 36-27-23 and 36-27-25, Code of

Alabama 1975, to provide further for the Board of Control and the management of the Employees' Retirement System.

By Senator Bolling:

S. 370. To amend Section 36-7-20, Code of Alabama 1975, to allow state agencies the option of paying the cost of an employee's travel expenses directly to a contracting facility furnishing room and board, when the employee is assigned to assist in suppressing on-going wildfires, natural disaster situations, or other emergencies.

By Senator Mitchell:

S. 437. To establish the Alabama Legislative Commission on Total Quality Government Act of 1994.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Floyd:

S. 17. Relating to Etowah County; proposing a constitutional amendment to the Constitution of Alabama of 1901, authorizing the Etowah County Commission to levy an additional surcharge in cases in which the circuit courts, district courts, or municipal courts of Etowah County impose a fine for any offense or violation of a criminal law, a traffic law, or any ordinance of a political subdivision of Etowah County; and providing for the distribution of the revenues derived from the additional surcharge.

The above Bill was read a second time at length as required by the Constitution.

By Senator Floyd:

S. 18. Relating to Etowah County; proposing an amendment to the Constitution of Alabama of 1901, to authorize the Etowah County Commission to levy additional costs and fees on certain civil and criminal cases in the county and to provide for the distribution of the funds collected.

The above Bill was read a second time at length as required by the Constitution.

By Senator Dial (With Notice and Proof):

S. 362. Relating to Clay County; to further provide for the use of the Public Highway and Traffic Fund for the payment of the salaries and automobile expense of deputy sheriffs.

By Senator Sanders (With Notice and Proof):

S. 421. Relating to Perry County; providing further for the distribution of the proceeds of the ad valorem taxes levied pursuant to Act No. 88-816, H. 309, 1988 Special Session.

By Rep. Black (L) (With Notice and Proof):

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

By Rep. Black (L) (With Notice and Proof):

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

The above Bill was read a second time at length as required by the Constitution.

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Johnson, Flowers, Hall (A), Letson, Gaston, Haynes, Kvalheim, and Freeman (With Amendment):

H. 139. To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to per-

mit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Resolution:

SJR 35. EXPRESSING THE WILL OF THE LEGISLATURE REGARDING THE MARKUP ON ALCOHOLIC BEVERAGES.

having been reported favorably from the Standing Committee on Rules on the Ninth Legislative Day, was taken up.

In compliance with the regulations of the Sunset Law, the Resolution, SJR 35, was postponed temporarily.

SUNSET LAW

The hour of 11 o'clock A.M. having arrived, pursuant to the provisions of Section 41-20-10, Code of Alabama 1975, the Senate proceeded to consideration of the Sunset Legislation.

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 118, adopted.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom -20

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

S. 118. Relating to the Alabama Sunset Law; to continue the

existence and functioning of the Telecommunications Division, Department of Finance.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20 Nays 0

Yeas:

Senators:

Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom -20

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 196, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Sanders, Waggoner, and Windom -19

Nay: Senator Parsons

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 196. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19 Nays 0

Yeas:

Senators:

Amari, Bedsole, Campbell, Corbett, deGraffenried, Dixon, Floyd, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Parsons, Sanders, Waggoner, and Windom -19

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 197, adopted.

Yeas 19 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Parsons, Sanders, Underwood, Waggoner, and Windom -19

Nay: Senator Amari

- 1

BILLS ON THIRD READING RESUMED

THE BILL:

S. 197. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Oil and Gas Board until October 1, 1995.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23 Nays 1

Yeas:

Senators:

Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Parsons, Sanders, Underwood, Waggoner, and Windom -23

Nay: Senator Lipscomb

- 1

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 198, adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Underwood, and Windom -23

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

was taken up.

The Standing Committee on Economic Affairs reported the following amendment to the Bill, SB 198, to-wit:

AMENDMENT TO SB 198

Amend SB 198 on Page 3, line 18 by striking the words "~~fail to~~".

Further amend SB 198 on Page 5, line 17 by striking the word "~~shall~~" and inserting in lieu thereof the underlined word "may".

Which was adopted.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Underwood, and Windom -23

Nays:

- 0

And said Bill, SB 198, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 23 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, Smith (B), Underwood, and Windom -23

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 200, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Underwood, Waggoner, and Windom

-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers with certain modifications; to amend Sections 34-14-1, 34-14-2, 34-14-3, 34-14-4, 34-14-6, 34-14-7, 34-14-9, 34-14-11, 34-14-12, 34-14-13, 34-14-14, 34-14-30, 34-14-31, and 34-14-33, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Aid Dealers Board; provide further for definitions, duplicate licenses, fees, and exams of the board; provide additional disciplinary and legal powers for the board; exempt members from personal liability for acts of the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; and to require the Attorney General to serve as legal advisor for the board.

was taken up.

The Standing Committee on Economic Affairs reported the following substitute for the Bill, SB 200, to-wit:

SUBSTITUTE FOR SB 200

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections

34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, and exams of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

On motion of Senator Corbett, said substitute was laid on the table.

Senator Corbett then offered the following substitute for the Bill, SB 200, to-wit:

SUBSTITUTE FOR SB 200

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections 34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, exams, and membership of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Hearing Instrument Dealers Board, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Hearing Instrument Dealers Board, created and functioning pursuant to Sections 34-14-1 to 34-14-33, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-14-1 to 34-14-33, inclusive, of the Code of Alabama 1975, are amended to read as follows:

“§34-14-1.

“For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

“~~(1) STATE BOARD. The state board of health.~~

“~~(3)~~ (1) APPRENTICE PERMIT. A permit issued while the applicant is in training to become a licensed hearing ~~aid~~ instrument fitter.

“~~(4)~~ (2) BOARD. The board of hearing ~~aid~~ instrument dealers.

“(3) DEALER. A person licensed under this chapter prior to July 3, 1991 to fit and deal in hearing instruments. A dealer's license may remain valid until June 30, 1996 only by continuous renewal.

“~~(9)~~ (4) DISPENSER. Any trained person who shall meet all requirements of this chapter for licensure and who may engage in the practice of fitting and dealing in hearing ~~aids~~ instruments without the direct supervision of any person.

“~~(8)~~ (5) FITTER. A trained, licensed person who shall engage in the practice of fitting and dealing in hearing ~~aids~~ instruments only under the direct supervision of a hearing ~~aid~~ instrument dispenser.

“~~(5)~~ (6) HEARING ~~AID~~ INSTRUMENT. Any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing ~~and any parts, attachments or accessories, including earmold, but~~ excluding ~~batteries and cords~~ assistive listening devices.

“~~(2)~~ (7) LICENSE. A license issued by the state board under this chapter to a hearing ~~aid~~ instrument fitter or dispenser.

“~~(6)~~ (8) PRACTICE OF FITTING AND DEALING IN HEARING ~~AIDS~~ INSTRUMENTS. The measurement of human hearing by means of an audiometer or by other means approved by the board solely for the purpose of making selections, adaptations or sale of hearing ~~aids~~ instruments. The term also includes the making of impressions for earmolds. A ~~dealer licensee or permit holder,~~ at the request of a physician or a member

of related professions, may make audiograms for the professional's use in consultation with the hard-of-hearing.

"~~(7)~~ (9) SELL or SALE. Any transfer of title or of the right to use by lease, bailment or any other contract, excluding wholesale transactions with distributors or dealers."

"§34-14-2.

"(a) No person shall engage in the sale of or practice of fitting hearing ~~aids~~ instruments or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing ~~aids~~ instruments unless ~~he~~ the person holds a license ~~or permit~~ issued by the ~~state~~ board as provided in this chapter. The license ~~or permit~~ shall be conspicuously posted in his ~~or her~~ office or place of business. Duplicate licenses ~~or permits~~ shall ~~may~~ be issued by the ~~state~~ board to valid license holders operating more than one office, ~~without~~ upon additional payment determined by the board for each additional office. A license under this chapter shall confer upon the holder the right to select, fit and sell hearing ~~aids~~ instruments.

"(b) Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing ~~aids~~ instruments at retail without a license; provided, that it employs only properly licensed ~~or permitted~~ natural persons and that it shall have at least one licensed Alabama dispenser on its staff to provide direct supervision of any licensed fitters or apprentices employed in the direct sale and fitting of such products. Such corporations, partnerships, trusts, associations or other like organizations shall file annually with the ~~state~~ board a list of all licensed hearing ~~aid instrument~~ dealers and fitters dispensers, fitters, and apprentices directly or indirectly employed by them. Such organizations shall also file with the ~~state~~ board a statement on a form approved by the ~~state~~ board that they submit themselves to the rules and regulations of the ~~state~~ board and the applicable provisions of this chapter ~~which the state board shall deem applicable to them~~.

"(c) Nothing in this chapter shall apply to physicians licensed to practice medicine or employees under the supervision of a physician licensed to practice medicine, or to the professional corporation or professional association of such physicians.

"(d) Nothing in this chapter shall apply to licensed speech pathologists or to licensed audiologists."

“§34-14-3.

“(a) The ~~state~~ board shall register each applicant without discrimination who pays an examination fee of ~~\$25.00~~ one hundred twenty-five dollars (\$125) and who satisfactorily passes an examination as provided in section 34-14-4, and upon the applicant’s payment of the application fee, shall issue to the applicant a license signed by the ~~state~~ board. The license shall be effective until January 30 of the year following the year in which issued.

“(b) An applicant who fulfills the requirements regarding age, character, education, and health, as set forth in subsection (a) of section 34-14-4, and who shall provide proof of having met all requirements of certification as a National Board Certified Hearing Instrument Specialist shall be issued a dispenser’s license. All applicants who have current valid Alabama dealer’s and fitter’s licenses as of July 3, 1991, shall have five years from said date to obtain the requirement for certification. After the expiration of the five-year period, an applicant not providing proof of having met all requirements for certification as a National Board Certified Hearing Instrument Specialist shall not be issued a dispenser’s license but shall instead be issued a fitter’s license.

“(c) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing ~~aids instruments~~, the ~~state~~ board may issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing ~~aids instruments~~ in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination, etc., other than the payment of fees, pursuant to this section and section 34-14-6. The holder of a certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.”

“§34-14-4.

“(a) Applicants may obtain a license by successfully passing a qualifying examination; provided, that the applicant:

“(1) Is at least 19 years of age;

“(2) Is of good moral character;

“(3) Has an education equivalent to a four-year course in an accredited high school; and

“(4) Is free of contagious or infectious disease.

“(b) An applicant who meets the qualifications of subsection (a) hereof as determined by the board who applies for license by examination shall appear at a time, place and before such persons as the board may designate to be examined by means of written and practical tests in order to demonstrate that he or she is qualified to practice the fitting and sale of hearing ~~aids~~ instruments. The examination administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training is required in order to pass the examination. Nothing in this examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.

“(c) The board shall give examinations ~~as required to permit applicants to be examined within 90 days following the submission of the official application form for a fitter's license~~ at least three times each year.”

“§34-14-5.

“The qualifying examination provided in section 34-14-4 shall be designed to demonstrate the applicant's adequate technical qualifications by:

“(1) Tests of knowledge in areas specified by the board, provided the board is specifically authorized to adopt and administer a national examination; and

“(2) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing ~~aids~~ instruments:

“a. Pure tone audiometry, including air conduction testing and bone conduction testing,

“b. Masking when indicated,

“c. Recording and evaluation of audiograms to determine proper selection and adaptation of a hearing ~~aide~~ instrument, and

“d. Taking earmold impressions.”

“§34-14-6.

“(a) Each person who engages in the fitting and sale of hearing ~~aids~~ instruments shall annually, on or before January 30, pay to the ~~state~~ board a fee for a renewal of his or her license and shall keep such certificate conspicuously posted in his office or place of business at all times. The fee shall be \$100.00 for a fitter’s license and \$150.00 for a dispenser’s license. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the ~~state~~ board for posting in each location upon payment of the fee. A 30-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a late fee of \$125.00 twenty-five dollars (\$25), in addition to the license renewal fee, to the ~~state~~ board. After expiration of the grace period, the license is expired and thereafter may be reinstated and renewed within two years. the state ~~The board may renew such expired certificates upon payment of \$200.00 a one hundred dollar (\$100) reinstatement fee, in addition to the license renewal fee, to the state board.~~ No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided, that such renewal application is made within two years from the date of such expiration.

“(b) The ~~state~~ board shall adopt and maintain a program of continuing education for its licensees not later than October 1, 1991, and after said date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met.”

“§34-14-7.

“(a) An applicant who fulfills the requirements regarding age, character, education and health, as set forth in subsection (a) of section 34-14-4, may obtain an apprentice permit upon application to the ~~state~~ board. ~~Previous experience or a waiting period shall not be required to obtain an apprentice permit.~~

“(b) Upon receiving an application as provided under this section and accompanied by a fee of \$50.00, the ~~state~~ board shall issue an apprentice permit which shall entitle the applicant to engage in the fitting and sale of hearing ~~aids~~ instruments for a period of nine months provided the apprentice ~~shall initially receive~~ has received 80 hours of academic and practical instruction under the direct supervision and immediate physical observation of the person holding a valid current Alabama hearing ~~aid~~ instrument dispenser’s license, ~~and who~~ The licensed dispenser shall be totally responsible for the supervision and training of such applicant thereafter. Such apprentice permit shall not be renewable, nor shall the applicant be

issued a second permit within a five-year period following the expiration date of the initial permit.

“(c) An apprentice or applicant who successfully completes the fitter’s examination may obtain a fitter’s license upon application to the ~~state board, and payment of the license fee,~~ which shall entitle the applicant to engage in the sale or fitting of hearing aids instruments ~~for a period of one year until January 30th of the following year~~ under the direct supervision of a person holding a current Alabama hearing aid instrument dispenser’s license, ~~who~~ The licensed dispenser shall be totally responsible for the supervision of all activities of the fitter pertaining to the sale and fitting of hearing aids instruments, upon payment of a \$100.00 fee.

“(d) The dispenser who is responsible for the supervision and training of an apprentice shall not have more than four apprentices under his or her supervision at any time. There shall be no limitations on the number of fitters a dispenser may have under his or her supervision at any given time.

“(e) The ~~licensed Alabama~~ dispenser ~~who is~~ responsible for the supervision and training of any apprentice or fitter shall be subject to administrative actions with respect to licensure and to civil liability for all actions of an apprentice or fitter under his supervision when such ~~trainee or apprentice or fitter~~ engages in unethical, prohibited, fraudulent, deceptive, and misleading conduct involving the fitting and dispensing of hearing aids instruments.”

“§34-14-8.

“(a) A person who holds a license shall notify the ~~state~~ board in writing of the regular address of the place or places where he or she engages or intends to engage in the fitting or the sale of hearing aids instruments.

“(b) The ~~state~~ board shall keep a record of the place of business of licensees.

“(c) Any notice required to be given by the ~~state~~ board to a person who holds a license shall be mailed to him or her at the address of the last place of business of which he or she has notified the ~~state~~ board.”

“§34-14-9.

“(a) Any person wishing to make a complaint against a licensee or apprentice under this chapter shall reduce the same to writing and file his or her complaint with the ~~state~~ board within one year from the date of the action upon which the complaint is based. If the ~~state~~ board investigates

and determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be served upon the licensee at least 20 days before the date set for hearing, either personally or by registered or certified mail sent to licensee's last known address. Continuances or adjournment of hearing date shall be made if for good cause. At the hearing the licensee complained against may be represented by counsel. The licensee complained against and the ~~state~~ board shall have the right to take depositions in advance of hearing and after service of the complaint, and either may compel the attendance of witnesses by subpoenas issued by the ~~state~~ board under its seal. Either party taking depositions shall give at least five days written notice to the other party of the time and place of such depositions, and the other party shall have the right to attend, with counsel if desired, and cross-examine. Appeals from suspension or revocation may be made to the circuit court. In the event of an appeal, there shall be a trial de novo and the trial shall be before the court without the intervention of a jury.

“(b) The ~~state~~ board is hereby authorized to discipline its licensees and apprentices by the adoption and collection of administrative fines, not to exceed \$1,000.00 per violation and is authorized to institute any legal proceedings necessary to effect compliance with this chapter.

“(c) Any person registered under this chapter may have his or her permit or license revoked or suspended by the ~~state~~ board, be reprimanded by the board, or be administratively fined not more than five hundred dollars (\$500) per violation by the board for any of the following causes:

“(1) The conviction of a felony or a misdemeanor involving moral turpitude; the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be prima facie proof of such conviction;

“(2) Procuring of license by fraud or deceit;

“(3) Unethical conduct, including:

“a. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

“b. Knowingly employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

“c. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

“d. Advertising a particular model or type of hearing ~~aid~~ instrument for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

“e. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing ~~aids~~ instruments when that is not true, or using the words “doctor,” “clinic” or similar words, abbreviations or symbols which tend to connect the medical profession when such use is not accurate;

“f. Habitual intemperance;

“g. Gross immorality;

“h. Permitting another’s use of a license;

“i. Advertising a manufacturer’s name or trademark which implies a relationship with the manufacturer that does not exist;

“j. Directly or indirectly giving or offering to give or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing ~~aid~~ instrument dispenser, fitter, or apprentice, or influencing persons to refrain from dealing in the products of competitors;

“(4) Conducting business while suffering from a contagious or infectious disease;

“(5) Engaging in the fitting and sale of hearing ~~aids~~ instruments under a false name or alias with fraudulent intent;

“(6) Selling a hearing ~~aid~~ instrument to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing ~~aids~~ instruments, except in cases of selling replacement hearing ~~aids~~ instruments;

“(7) Gross incompetence or negligence in fitting and selling hearing ~~aids~~ instruments; or

“(8) Violating any provisions of this chapter.

“(d) The board may bring an action to enjoin any person, firm, or corporation who, without being licensed or issued a permit by the board, dispenses hearing instruments in this state. The action shall be filed in the county in which such person resides or practices or in the county where the firm or corporation maintains an office or practices. Notwithstanding any other provisions of the law to the contrary, after notice and hearing, the board may issue a cease and desist order prohibiting any person from violating the provisions of this chapter by engaging in the practice of dealing, fitting, selling or dispensing hearing instruments without a license.”

“§34-14-10.

“(a) Any person who practices the fitting and sale of hearing ~~aids~~ instruments shall deliver to each person supplied with a hearing ~~aid~~ instrument a receipt which shall contain the licensee's or apprentice's signature and show his or her business street address and the number of his or her license or permit, together with specifications as to the make and model of the hearing ~~aid~~ instrument furnished and the full terms of sale clearly stated. If an ~~aid~~ instrument which is not new is sold, the receipt and the container thereof shall be clearly marked as “used” or “reconditioned,” whichever is applicable, with terms of guarantee, if any.

“(b) Such receipt shall bear in no smaller type than the ~~largest~~ smallest ~~est~~ used in the body copy portion the following:

“The purchaser has been advised at the outset of his or her relationship with the hearing ~~aid~~ instrument apprentice, fitter, or dispenser that any examination(s) or representation(s) made by a licensed hearing ~~aid~~ instrument apprentice, fitter, or dispenser in connection with the fitting and selling of this hearing ~~aid(s)~~ instrument(s) is not an examination, diagnosis or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice.”

“(c) Any person engaging in the fitting and sale of hearing ~~aids~~ instruments shall ascertain whether a person under the age of 18 has been examined by a physician for his recommendation to be fitted with a hearing ~~aid~~ instrument within six months prior to the fitting. If such not be the case, no hearing ~~aid~~ instrument shall be sold to such person until such an examination is made.”

“§34-14-11.

~~“The powers and duties of the state board are as follows:~~

~~“(a) The board shall perform the following duties:~~

~~“(1) To authorize~~ Authorize all disbursements necessary to carry out the provisions of this chapter;

~~“(2) To register~~ Register persons who apply to the ~~state~~ board who are qualified to engage in the fitting and sale of hearing ~~aids~~ instruments;

~~“(3) To issue and renew licenses;~~ Administer, coordinate, and enforce this chapter, evaluate the qualifications and supervise the examinations of applicants for licensure under this chapter, issue and renew licenses and permits under this chapter, and investigate allegations of violations of this chapter;

~~“(4) To promulgate~~ Promulgate rules and regulations necessary to carry out the provisions of this chapter and to establish consumer protection provisions, provisions for prohibited practices, and requirements for businesses;

~~“(5) The state board shall issue~~ Issue and renew a dispenser's license to sell and fit hearing ~~aids~~ instruments to any person who is duly licensed under the laws of this state as an audiologist; and

~~“(6) To revoke or suspend licenses, or take such other disciplinary action as authorized by this chapter.~~

~~“(6) Furnish a list of persons licensed under this chapter, upon request.~~

~~“(7) (b) The state~~ board shall be authorized to review individual appeals for exemption from required certification for a dispenser's license.

~~“(c) The board may subpoena witness's testimony and records for any official hearing or proceeding of the board.”~~

“§34-14-12.

“No person shall:

“(1) Sell, barter or offer to sell or barter a license or permit;

~~“(2) Purchase or procure by barter a license or permit with intent to use it as evidence of the holder’s qualification to practice the fitting and sale of hearing aids;~~

~~“(3) Alter a license or permit with fraudulent intent;~~

~~“(4) Use or attempt to use as a valid license a license or permit which has been fraudulently obtained, counterfeited or materially altered; or~~

~~“(5) Willfully make a false statement in an application for license or apprentice permit or application for renewal of a license.”~~

“§34-14-13.

~~“(a) This chapter is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids instruments; provided, that such person or organization employing such person does not sell hearing aids instruments or accessories thereto.~~

~~“(b) This chapter does not apply to a person who is a physician licensed to practice in Alabama.”~~

“§34-14-14.

~~“A violation Violation of any provisions of this chapter shall be punishable upon conviction by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both as a Class “C” misdemeanor.”~~

“§34-14-30.

~~“(a) There shall be is established a board of hearing aid instrument dealers which shall supervise issuance of licenses “by experience” and administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination administer this chapter.~~

~~“(b) Members of the board shall be residents of the state and appointed by the Governor. The board shall consist of five licensees; eight members as follows; one of which may be a fitter, one otolaryngologist, five dispensers, one of whom may be a fitter, one physician who specializes in diseases of the ear, one audiologist, and, upon April 11, 1989, one consumer member appointed by the governor. The consumer member shall have the same powers as other board members, except that the consumer member shall have no voting powers in matters of discipline or licensure~~

issuing, suspending, or revoking licenses, and neither the consumer, nor his or her spouse shall be a hearing aid instrument fitter or dispenser. Each hearing aid instrument fitter or dispenser on the board shall have no less than three years of experience and shall hold a valid license as a hearing aid instrument fitter or dispenser, as provided under this chapter. No member of the board shall be from the same business or firm of another board member, and no member shall be the spouse or immediate family member of another board member.

“(c) All members of such board shall be appointed by the governor from a list of qualified persons nominated by the Alabama hearing aid dealer association, ~~inc.~~ The term of office of each member shall be for four years, ~~except, that of the members of the first board appointed under this chapter, two shall be appointed for two years, three shall be appointed for three years and two shall be appointed for four years.~~ Before a member’s term expires, the governor shall appoint a successor to assume his duties upon the expiration of his predecessor’s term. A vacancy in the office of a member shall be filled by appointment for the unexpired term. The members of the board shall annually designate one member to serve as chairman, another to serve as vice chairman, and such other officers it deems necessary. The vice chairman shall serve as the complaints chairman of the board, and another to serve as secretary-treasurer. All board members serving on the effective date of the act amending this code section shall retain their membership on the board.

“No member of the board who has served two or more full terms may be reappointed to the board until at least one year after the expiration of his or her most recent full term of office.

“(d) Members of the board shall receive for each day actually engaged in the duties of the office a per diem amount of \$25.00, not to exceed the sum of \$1,000.00 per year, and reimbursement for traveling expenses as provided in article 2 of chapter 7 of Title 36, and other expenses, said remuneration and reimbursement to be paid from appropriations made for this purpose.

“(e) The Governor may remove any member for neglect of duty, incompetency, or unprofessional conduct. The board may employ, and at its pleasure discharge, an executive secretary and such officers and employees as may be necessary, and the board shall fix their compensation.”

“§34-14-31.

~~“The board shall advise the state board in all matters relating to~~

~~this chapter, shall prepare the examinations required by this chapter and shall assist the state board in carrying out the provisions of this chapter.~~

“The Attorney General of the state shall act as legal adviser of the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.”

“§34-14-33.

“(a) On or before the tenth day of each month, the state board shall pay into the state treasury all moneys received by it under the provisions of this chapter during the preceding calendar month. The state treasury shall credit the moneys to the state board of health hearing aid instrument dealers account, which account is hereby created.

“(b) The moneys in the state board of health hearing aid account ~~are continuously appropriated to the state~~ shall, upon the date this act is passed and approved by the Governor, or upon its otherwise becoming a law, be transferred to the account of the Board of Hearing Instrument Dealers, and the board may use funds in the account for the purpose of paying the expenses of administering and enforcing the provisions of this chapter.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective 90 days following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Underwood, and Windom -22

Nays:

- 0

And said Bill, SB 200, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 22 Nays 0

Yeas:

Senators:

Amari, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Floyd, Foshee, Ghee, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), Underwood, and Windom -22

Nays:

- 0

RECESS

At 11:55 A.M., on motion of Senator Foshee, the Senate took a recess until 1:30 P.M.

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., SB 199, adopted.

Yeas 19 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Floyd, Hale, Horn, Lipscomb, Little, Mitchell, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom -19

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two terms of office.

was taken up.

Senator Corbett offered the following substitute for the Bill, SB 199, to-wit:

SUBSTITUTE FOR SB 199

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two full consecutive terms of office after the effective date of the act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Surface Mining Commission, with the additional recommendations for statutory changes of the Commission as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Surface Mining Commission, created and functioning pursuant to Sections 9-16-70 to 9-16-107, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 9-16-73 of the Code of Alabama 1975, is amended to read as follows:

“§9-16-73.

“(a) There is hereby continued as previously established the Alabama surface mining reclamation commission under the name of the Alabama surface mining commission for the purpose of transition in implementing and enforcing this article and carrying out the intent and policy stated in section 9-16-71 hereof. All members of the commission appointed under authority of section 9-16-33, shall continue their terms as created under that section until all reappointments and filling of vacancies have been filled in the manner as herein set out. At the expiration of any term, that member shall continue in office until an appointment occurs as herein set out. After the effective date of the act amending this section, no member shall serve more than two full consecutive terms of office.

“(b) The commission shall be composed of seven members, who are fair and reasonable citizens of the state, appointed by the governor, with the advice and consent of the senate. The governor shall initially appoint two members of the commission for a term of five years, two members for four years, two members for three years, and one member for two years. All members appointed subsequently shall be appointed for terms of five years.

“(1) One commission member shall be appointed from one of the three counties in Alabama which produce the greatest number of tons of surface mined coal, as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment; and two commission members shall be appointed from any of the coal-producing counties in Alabama, as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment. One commission member shall be appointed state at large.

“(2) One of the appointees to the commission shall be a professional forester duly registered pursuant to the laws of the state of Alabama with not less than 10 years’ experience in professional forestry. One of the appointees to the commission shall be a professional civil or mining engineer duly registered pursuant to the laws of the state of Alabama with not less than 10 years’ experience in professional engineering in surface mining or technologically related fields. One appointee to the commission shall be an attorney duly licensed to practice law in the state of Alabama having not less than 10 years’ experience in the active practice of law, the majority of whose years in practice shall have been in one of the three counties in Alabama which produced the greatest number of tons of surface mined coal as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment.

“(c) Within 10 days of nomination by the governor, each nominee shall file with the secretary of the senate a verified statement setting forth the following information: The names of all coal companies from whom such nominee has received any income of any sort during the 10 years immediately preceding such nomination; the name or names of all coal companies in which the nominee is or in the 10 years immediately preceding such nomination has been an officer, director, stockholder or partner; and all the names of all organizations, clubs and associations of which the nominee is or in the 10 years immediately preceding such nomination has been a member. No commission member may have a direct or indirect financial interest in underground or surface coal mining operations, and may not participate in any proceeding conducted pursuant to section 9-16-79 in which the commission member is an employee, officer, director, shareholder or partner or where any organization, club or association of which the com-

mission member is a member, officer, agent, director or employee instigated the proceeding, is a defendant, or has any other direct interest in the outcome of the proceeding, other than as a member of commission.

“(d) The commission shall annually elect from among its members a chairman, a vice-chairman and such other officers as necessary to fulfill its duties. In the event of a vacancy among the commissioners, the governor shall, within 90 days of being notified of such vacancy, make an appointment to such vacancy, which appointment shall be subject to the advice and consent of the senate at the next regular or special session of the legislature; in the event such appointee is confirmed, his term shall be for the balance of the vacancy so filled.

“(e) The commission shall appoint a director of the Alabama surface mining commission, who must have a working knowledge of the federal and state surface mining statutes, rules and regulations, and shall fix his compensation. The commission may appoint a deputy director as an unclassified position and the compensation of such deputy director shall be fixed by the commission subject to provisions of the state merit system. The director shall be the chief operating officer of the commission and shall be charged with exercising such powers, duties and functions as may be conferred upon him by the commission or this article, except the director shall not have the power to promulgate, modify, suspend or repeal any standards, rules or regulations provided for or authorized under this article. The director is authorized, subject to the approval of the commission, to create such divisions of his office as may be necessary to carry out its functions and may employ professional, technical, legal or clerical personnel as may be necessary to carry out the duties and functions of the commission. He may also, with the approval of the commission, contract with private persons, firms or corporations to provide professional or technical assistance or consultant services to assist his office in carrying out the purposes of this article.

“(f) The members of said commission shall receive as compensation \$75.00 per day for each day of official business as approved and validated by the chairman. The chairman shall receive \$100.00 per day for each full day he is occupied with business of the commission. The chairman is hereby authorized to approve and certify expenses of every member of the commission for reimbursement pursuant to article 2, chapter 7 of Title 36.

“(g) Five members of the commission shall constitute a quorum and recusal of a member shall not affect the quorum. The commission shall keep a complete and accurate record of all its meetings, a copy of which shall be kept on file in the office of the commission and open to public

inspection. The commission shall meet at least once every 30 days, or at such more frequent occasions as the governor, the chairman or director determine a session is necessary to fulfill its duties and obligations.

“(h) The commission shall establish and maintain its principal office in Jasper, Alabama, and establish and maintain such field offices in other coal producing counties as it may consider necessary for the proper discharge of its duties.

“(i) Funds which are or may become available from any source, appropriations, or otherwise, to accomplish the purposes of this article shall be disbursed by the commission or by the director in accordance with rules prescribed by the commission.

“(j) The governor may remove any member of the commission from office for neglect of duty, malfeasance or misfeasance, after unanimous consent and agreement by the lieutenant governor, speaker of the house of representatives and attorney general of Alabama, by delivering to the member the charges against him in writing with at least 10 days’ written notice of the time and place at which the governor will publicly hear the member, who may appear either in person or by counsel, in defense of the charges against him. If the member is removed from office, the governor shall file with the secretary of state a complete statement of the charges made against the member and a complete report of the proceedings. The action of the governor removing a member from office is final.

~~“(k) A subcommittee of the legislative sunset committee to be known as the legislative surface mining oversight committee is hereby created. The committee shall be composed of eight members of the legislature, four senate members of the sunset committee appointed by the lieutenant governor and four house members of the sunset committee appointed by the speaker of the house. The committee shall select a chairman and such other officers as it deems necessary, and shall meet at such times and places as the chairman may call. Members of the committee shall receive their normal legislative compensation, allowances and per diem for each day they meet to conduct business when the legislature is not in session. The committee shall be consulted on all proposed revisions of the commission’s rules and regulations.~~

~~“(l) (k) The commission shall appoint a technical assistant to serve as a liaison between the commission and the oversight committee. The commission shall set the salary of and provide for the duties of the technical assistant, who shall serve at the pleasure of the commission.~~

“(m) The legislative oversight committee established by subsection

REGULAR SESSION
10th Day

785

~~(k) of this section shall be abolished and its function terminated October 1, 1987."~~

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Ellis, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom
-25

Nays:

- 0

And said Bill, SB 199, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 27 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom
-27

Nays:

- 0

REPORT FROM RULES

Senator Hale, Chairperson of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

SJR 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the invaluable service rendered by George A. Garzon as Director of the Alabama Department of Aeronautics from March 1990 to January 1994; and

WHEREAS, Mr. Garzon, who was impeccably qualified to hold the position to which he was appointed, brought the department to an unprecedented level of efficiency, professionalism and stability during his four-year tenure; his leadership, moreover, served to raise Alabama's prestige within the nation's aviation community, and in the eyes of the National Association of State Aviation Officials (NASAO) which elected him to the organization's Board of Directors, and as Regional Vice President representing NASAO Region 8, which is comprised of eight Southeastern states as well as Puerto Rico; and

WHEREAS, more importantly to the state, however, has been the substantial increase to Alabama in federal airport funding since 1990, which averaged \$19.7 million per year in 1990 through 1992, as opposed to \$10.9 million in 1989, and reached a high of \$23.7 million in federal airport grants received by the state in 1993; and

WHEREAS, Mr. Garzon's leadership of the State Aeronautics Department has indeed been of inestimable worth to the State of Alabama, and it is widely acknowledged that the unparalleled success of his tenure is attributable to his experience and expertise as an outstanding administrator, an experienced military and civilian pilot, an individual who is exceedingly knowledgeable of all federal air regulations governing the flying and management of airports, and as a public servant dedicated to serving the best interests of the State of Alabama and its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to the State of Alabama as Director of the Department of Aeronautics, we hereby most highly commend George A. Garzon of

Montgomery, Alabama, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

And on motion of Senator Hale, said Resolution, SJR 31, was adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 36. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Tenth Legislative day only.

	Page
H. 172	54
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments	
S. 187	52
State employees, salary increase	
H. 173	51
Commission on Aging, Care Assurance System, approp.	
H. 253	42
AIDS Task Force of Alabama, Inc., approp.	
H. 176	50
Beacon House-Jasper, approp.	
S. 424	53
Birmingham Football Foundation, approp.	
H. 177	49
Children's Advocacy Centers, Inc., approp.	
H. 178	49
Coalition Against Domestic Violence, approp.	

H. 179	48
Coosa-Alabama River Improvement Association, approp.	
H. 219	43
Alabama Kidney Foundation, Inc., approp.	
H. 181	48
Lighthouse Counseling Center, approp.	
H. 208	43
Council on Child Abuse, approp.	
S. 401	54
Parkinson Association, approp.	
H. 184	47
Retired Senior Volunteer Program, approp.	
H. 185	47
Shoals Entrepreneurial Center, approp.	
H. 254	42
Travel Council, approp.	
H. 186	46
Tri-Rivers Waterway Development Authority, approp.	
H. 187	46
Warrior-Tombigbee Waterway Development Association, approp.	
H. 174	50
Alabama's Young Woman of the Year Program, approp.	
H. 175	51
America's Young Woman of the Year Program, approp.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF SJR 35

The provisions of the Sunset Law having been fulfilled, the Senate proceeded to further consideration of the Resolution, SJR 35.

REGULAR SESSION
10th Day

789

And on motion of Senator Bailey, said Resolution, SJR 35, was adopted by the Senate.

Yeas 19 Nays 8

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Dial, Ellis, Foshee, Hale, Hill, Horn, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, and Wilson
-19

Nays:

Senators:

Amari, Bedsole, Corbett, Dixon, Ghee, Sanders, Smith (B), and Windom - 8

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 7. To amend Sections 13A-6-20 and 13A-6-22, Code of Alabama 1975, to make the crime of assault on a peace officer or a teacher or employee of a public educational institution a felonious offense and to make the crime of assault on a law enforcement canine a misdemeanor.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 8. Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, for investigation of and penalties for the offenses, and for a delayed effective date.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 9. To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 16. To amend Section 26-14-7, Code of Alabama 1975, relating to investigations by the various county Human Resources Departments regarding reports of child abuse or neglect, requiring the department to provide written notice specifying the final status and final disposition of the case to the parent, legal guardian, or other person who has custody or charge of the child or who is the subject of the investigation.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 56. Relating to insurance, to allow domestic stock insurers

and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regulatory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 83. To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 101. To provide for state implementation of the National Voter Registration Act of 1993, by designating the Secretary of State as the chief state elections official and amending Section 17-4-189 of the Code of

Alabama 1975, to provide for certain additional personnel in the office; to allow counties to compensate deputy registrars under certain circumstances; to provide for dissemination of information on voter registration under certain conditions; to provide for the Voter Registration Fund in the State Treasury; to authorize the Secretary of State to enter into inter-agency agreements to implement the National Voter Registration Act of 1993 and to make a supplemental appropriation to the Secretary of State's office for the 1993-94 fiscal year to be used in implementing the federal act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 198. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 199. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Surface Mining Commission with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Over-

sight Committee, and to limit members of the Surface Mining Commission to two full consecutive terms of office after the effective date of the act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 200. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections 34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, exams, and membership of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 202. To provide for the offense of carrying firearms and certain weapons on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; to define the word "possession"; to provide for exceptions; and to prescribe penalties.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 262. To amend Section 40-21-82.1, Code of Alabama 1975, relating to the utilities tax, to exempt the Bakerhill Water Authority, the Russell County Water Authority, and the Chambers County E911 Authority from the levy of the tax.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 263. To provide that advertised notices of foreclosure of real property shall include the street address or a description of the general location of the foreclosed property; to provide for the effect of failure to include the address or location or the correct address or location; and to provide for the effective date of this act.

DON HALE,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 283. To amend Sections 8-26-3, 8-26-4, 8-26-7, 8-26-12, 8-26-13, 8-26-14, 8-26-17, 8-26-24, and 8-26-26, Code of Alabama 1975, relating to the Alabama Athlete Agent Regulatory Commission; to add the Secretary of State as a member of the commission; to provide certain duties

for the secretary regarding records, registration, bonds and fees, and records; and to levy certain annual fees and to remove certain filing requirements.

DON HALE,
Chairperson.

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

The Standing Committee on Finance and Taxation reported the following substitute, as amended, for the Bill, HB 172, to-wit:

SUBSTITUTE FOR HB 172, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

On motion of Senator Horn, said substitute, as amended, was laid on the table.

Senator Horn then offered the following substitute for the Bill, HB 172, to-wit:

SUBSTITUTE FOR HB 172, AS AMENDED

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

Senator Mitchell offered the following amendment to the Horn substitute for the Bill, HB 172, to-wit:

**MITCHELL AMENDMENT TO HORN SUBSTITUTE
FOR HB 172**

Amend the substitute for HB 172 on page 39, line 13 by striking the figure "24,504,353" and inserting in lieu thereof the figure:

"24,669,966"

Further amend the substitute on page 39, line 16 by striking the figure "12,441,975" and inserting in lieu thereof the figure:

"12,607,588"

Further amend the substitute on page 39, line 20 by striking the figures "12,441,975" and "25,023,853" and inserting in lieu thereof the figures:

"12,607,588" and "25,189,466" respectively

Further amend the substitute on page 39, line 23 by striking the figure "2,200,289" and inserting in lieu thereof the figure:

"2,365,902"

Senator Horn moved that said amendment be laid on the table, which motion was lost.

Yeas 2 Nays 26

Yeas:

Senators:

Figures and Horn

- 2

Nays:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, Wilson, and Windom

-26

And said Mitchell amendment was then adopted.

Senator Parsons offered the following amendment to the Horn substi-

tute, as amended, for the Bill, HB 172, to-wit:

**PARSONS AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 9, after line 31 by inserting the following:

“It is the intent of the Legislature that no portion of the above appropriation to the Department of Aeronautics shall be used for the expansion, relocation of any airport in Gulf Shores, Alabama for the 1994-95 fiscal year”.

Which was adopted.

Senator Dixon offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**DIXON AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on Page 59, lines 23, 25 and 26 by deleting the figure “200,000” and by inserting in lieu thereof the figure:

“154,732”

Further amend the substitute, as amended, on Page 13 by deleting lines 21 through 26 in their entirety and renumbering subsequent sections accordingly.

Further amend the substitute, as amended, on Page 20, line 32 and on Page 21, lines 2 and 4 by deleting the figure “147,144” and inserting in lieu thereof the figure:

“126,799”

Senator Bailey moved that said amendment be laid on the table, which motion was lost.

Yeas:

Senators:

Bailey, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, and Sanders - 9

Nays:

Senators:

Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Foshee, Ghee, Hale, Hill, Parsons, Waggoner, Wilson, and Windom -15

And said Dixon amendment was then adopted.

Senator Mitchem offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**MITCHEM AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on Page 21, line 22 by deleting the figure “29,775,772” and inserting in lieu thereof the figure:

“30,400,772”

Further amend the substitute on Page 21 after line 22 by inserting the following language:

“Of the above appropriation, at least \$625,000 shall be expended for maintenance, remodeling and repairs at the State Parks.”

Further amend the substitute on Page 22, line 10 by deleting the figure “587,047” and by inserting in lieu thereof the figure:

“1,212,047”

Further amend the substitute on Page 24, line 7 by deleting the figures “733,978” and “63,411,043” and by inserting in lieu thereof the figures:

“1,358,978” and “64,036,043” respectively

Further amend the substitute on Page 61, lines 13, 15 and 16 by deleting the figure “1,250,000” and inserting in lieu thereof the figure:

“625,000”

On motion of Senator Waggoner, said amendment was laid on the table.

Yeas 16 Nays 8

Yeas:

Senators:

Amari, Campbell, deGraffenried, Denton, Ellis, Floyd, Foshee, Horn, Langford, Lipscomb, Mitchell, Owens, Parsons, Underwood, Waggoner, and Windom -16

Nays:

Senators:

Bailey, Barron, Bolling, Dixon, Hill, Little, Mitchem, and Wilson - 8

Senator Little offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**LITTLE AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 42 lines 2, 4 and 5 by deleting the figure “3,218,375” and inserting in lieu thereof the figure:

“3,198,375”

Which was adopted.

Senator Little then offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**LITTLE AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 48, line 20 and on page 49, line 7 by deleting the figure “39,591,354” and inserting in lieu thereof the figure:

“41,460,703”

Further amend the substitute, as amended, on page 48, line 2 and on page 49, line 7 by deleting the figure “455,041,667” and inserting in lieu thereof the figure:

“456,911,016”

Senator Barron moved that said amendment be laid on the table, which motion was lost.

Yeas 10 Nays 16

Yeas:

Senators:

Bailey, Barron, Campbell, deGraffenried, Denton, Ellis, Hale, Horn, Mitchell, and Windom -10

Nays:

Senators:

Amari, Bedsole, Bolling, Corbett, Dixon, Floyd, Ghee, Hill, Langford, Lipscomb, Little, Owens, Parsons, Underwood, Waggoner, and Wilson -16

And said Little amendment No. 2 was then adopted.

Senator Corbett offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 49 after line 29 by inserting the following:

(b) Capital Outlay-Ancient	
Indian Grounds to be	
designated by the Indian	
Affairs Commission	\$150,000

Further amend on page 49, lines 31 and 33 by deleting the figure "\$200,000 and inserting in lieu thereof the figure:

"\$350,000"

Further amend on page 47 lines 22 through 31 by deleting them in their entirety.

Which was adopted.

Senator Corbett then offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 58, line 21 by deleting "57,000" and inserting in lieu thereof:

“357,000”

Further amend the substitute, as amended, on page 58 after line 22 by adding the following and renumbering all subsequent “sources of funds”

“(1) State General Fund 300,000”

Further amend the substitute, as amended, on page 59 after line 18 by adding the following language:

“Of the \$357,000 appropriated for capital outlay, \$300,000 shall be used for a new armory at Union Springs in Bullock County, Alabama.

Further amend the substitute, as amended, on page 59 line 20 by deleting “7,844,613” and inserting in lieu thereof:

“8,144,613”

Senator Horn moved that said amendment be laid on the table, which motion was lost.

Yeas 8 Nays 11

Yeas:

Senators:

Barron, Bolling, Denton, Dixon, Figures, Floyd, Horn, and Waggoner - 8

Nays:

Senators:

Amari, Corbett, deGraffenried, Hale, Langford, Owens, Parsons, Sanders, Underwood, Wilson, and Windom -11

And said Corbett amendment No. 2 was then adopted.

On motion of Senator Barron, the Senate reconsidered the vote by which the Corbett amendment No. 1 was adopted by the Senate.

On motion of Senator Barron, said amendment was laid on the table.

Senator Bailey offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**BAILEY AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 13 after line 20 by inserting:

“10. AGRICULTURAL MUSEUM
BOARD, ALABAMA:

(a) Agricultural Promotional Program		40,000
SOURCE OF FUNDS:		
(1) State General Fund	40,000	
Total Alabama Agricultural Museum Board	40,000	40,000"

Which was adopted.

Senator Wilson offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**WILSON AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 28, line 26 by deleting the figure “14,308,902” and inserting in lieu thereof the figure:

“14,611,902”

Further amend on page 29, line 16 by deleting the figure “371,207” and inserting in lieu thereof the figure:

“596,207”

Further amend on page 29, line 24 by deleting the figure “157,500” and inserting in lieu thereof the figure:

“235,500”

Further amend on page 30, lines 26 and 27 by deleting the figure “14,308,902” and inserting in lieu thereof the figure:

“14,611,902”

On motion of Senator Barron, said amendment was laid on the table.

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Denton, Dixon, Ellis, Figures, Floyd, Hale,
Horn, Little, Mitchell, Underwood, and Waggoner -15

Nays:

Senators:

deGraffenried and Wilson - 2

Senator Wilson then offered the following amendment No. 2 to the
Horn substitute, as amended, for the Bill, HB 172, to-wit:

**WILSON AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 50 after
line 13 by inserting the following:

“Of the above appropriation, \$97,000 shall be expended for the
Mine Rescue Program at Beville State Community College”.

On motion of Senator Barron, said amendment was laid on the
table.

Yeas 15 Nays 2

Yeas:

Senators:

Bailey, Barron, Bedsole, deGraffenried, Denton, Dixon, Ellis, Floyd, Hale,
Horn, Little, Mitchell, Owens, Underwood, and Waggoner -15

Nays:

Senators:

Bolling and Wilson - 2

Senator Wilson then offered the following amendment No. 3 to the
Horn substitute, as amended, for the Bill, HB 172, to-wit:

**WILSON AMENDMENT NO. 3 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 61 by de-
leting lines 12-16 in their entirety.

On motion of Senator Barron, said amendment was laid on the
table.

Senator Hale offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**HALE AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 by striking the figures "12,964,279" on page 4, line 13 and substitute the figure:

"14,362,128"

And on page 5, lines 5 and 6 the figures "14,464,279 and substitute the figure:

"15,862,128"

Which was adopted.

Senator Hale then offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**HALE AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 by striking subsection 2B on page 5, lines 7 through 32, page 6, lines 1 through 33 and page 7, lines 1-24 in their entirety and substituting in lieu thereof the following new subsection 2B:

"2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program.	2,037,106
SOURCE OF FUNDS:	
(1) State General Fund	2,037,106
Total Court of Civil Appeals	2,037,106
The above appropriation to the Court of Civil Appeals includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.	2,037,106

**2. COURT OF CRIMINAL
APPEALS:**

REGULAR SESSION
10th Day

805

	(a) Court Operations Program		2,335,226
	SOURCE OF FUNDS:		
	(1) State General Fund	2,335,226	
	Total Court of Criminal Appeals	2,335,226	2,335,226
3.	JUDICIAL BUILDING AUTHORITY, ALABAMA:		
	(a) Administrative Support Services Program		4,147,431
	SOURCE OF FUNDS:		
	(1) Judicial Building Authority Fund, Estimated	4,147,431	
	In accordance with Sections 41-10-260 through 41-10-284, Code of Alabama 1975.		
	Total Alabama Judicial Building Authority	4,147,431	4,147,431
4.	JUDICIAL INQUIRY COMMISSION:		
	(a) Administrative Services Program		118,200
	SOURCE OF FUNDS:		
	(1) State General Fund	118,200	
	Total Judicial Inquiry Commission	118,200	118,200
5.	JUDICIAL RETIREMENT FUND:		
	(a) Retirement Systems Program		1,625,000
	SOURCE OF FUNDS:		
	(1) State General Fund	1,625,000	
	Total Judicial Retirement Fund	1,625,000	1,625,000
6.	SUPREME COURT:		
	(a) Court Operations Program		5,080,872
	SOURCE OF FUNDS:		
	(1) State General Fund	5,080,872	
	Total Supreme Court	5,080,872	5,080,872
7.	SUPREME COURT LIBRARY:		
	(a) Court Operations - Library		

JOURNAL OF THE SENATE, 1994
10th Day

Service Program			976,653
SOURCE OF FUNDS:			
(1) State General Funds	931,653		
(2) Departmental Receipts		45,000	
Total Supreme Court Li-			
brary	931,653	45,000	976,653
8. UNIFIED JUDICIAL SYSTEM:			
(ADMINISTRATIVE OFFICE			
OF COURTS)			
(a) Court Operations Program			75,056,826
(b) Administrative Services Pro-			
gram			3,649,750
(c) DUI Referral Program			67,658
(d) Fringe Benefit Program, Esti-			
mated			545,000
(e) Court Equipment and Court			
Security Program			1,029,952
(f) Judicial Building Opera-			
tions Program			4,147,431
SOURCE OF FUNDS:			
(1) State General Fund	81,388,003		
(2) State General Fund-			
Social Security-County			
Judicial, Estimated	545,000		
(3) State General Fund			
Transfer-Juvenile Justice			
Coordinating Council	17,105		
In accordance with			
Section 12-15-131, Code			
of Alabama 1975.			
(4) Court Referral Officer			
Fund		1,597,410	
In accordance with			
Sections 12-23-1 through			
12-23-19, Code of Ala-			
bama 1975.			
(5) Juvenile Justice Fund-			
Balance Brought Forward .		35,983	
(6) Court Automation Fund.		600,000	
In accordance with Sec-			
tion 12-19-180, Code of			
Alabama 1975.			
Total Unified Judicial System	81,950,108	2,233,393	84,183,501

Further amend the substitute, as amended, to House Bill 172 on page 90, lines 5, 7 and 8 by striking the number "5,000,000" wherever it appears on those lines and substitute in lieu therefor the number:

"3,500,000"

Which was adopted.

Senator Owens offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**OWENS AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 58 lines 12 and 24 by striking the figure “2,300,000” and inserting in lieu thereof:

“2,700,000”

Further amend on page 58 line 17 by striking the figure “5,463,482” and inserting in lieu thereof:

“5,863,482”

Further amend on page 58 line 2 by striking the figure “5,453,482” and inserting in lieu thereof:

“5,853,482”

Further amend on page 58 line 21 by striking “357,000” and inserting:

“757,000”

Further amend on page 59 by striking “7,844,613” and “8,144,613” and inserting:

“8,244,613” and “8,544,613”

Further amend on page 90 lines 5, 7, and 8 by striking “5,000,000” and inserting:

“4,600,000”

Which was adopted.

Senator Sanders offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**SANDERS AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 12, after line 30 by inserting the following:

“Of the above appropriation, \$25,000 shall be utilized for the small farms program”.

Which was adopted.

Senator Sanders then offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**SANDERS AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 32 after line 11, by inserting the following:

“In addition to the above appropriation to the Alabama Department for Economic and Community Affairs, there is also hereby appropriated the sum of \$300,000 to the Dallas, Lowndes and Wilcox County Commissions for joint economic development purposes, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Finance Director and upon the approval of the Governor”.

Which was adopted.

Senator Underwood offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**UNDERWOOD AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 100 after line 9 by inserting the following new Section 10 and renumbering all subsequent sections accordingly:

“Section 10. Any amendments added to this bill on the Senate floor that adds appropriations shall identify the source of those funds necessary to fund the additional appropriations”.

Which was adopted.

Senator Corbett offered the following amendment No. 3 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT NO. 3 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 49, after line 29 by inserting the following:

“(b) Capital Outlay-Ancient
Indian Grounds as desig-
nated by the Indian Af-
fairs Commission 150,000”

Further amend on page 49, lines 31 and 33 by deleting the figure “200,000” and inserting in lieu thereof the figure:

“350,000”

Which was adopted.

Senator Corbett then offered the following amendment No. 4 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT NO. 4 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 47 by deleting lines 15 and 16 in their entirety and inserting in lieu thereof:

“allocated to the Historic Chattahoochee Commission, to be”

Further amend on page 47 after line 2 by inserting the following:

“Fort Mitchell Historic Commission 15,000”

Further amend on page 45, line 28 by deleting the figure “4,323,991” and inserting in lieu thereof the figure:

“4,338,991”

Further amend on page 45, line 31 and on page 47, line 10 by deleting the figure “2,326,932” and inserting in lieu thereof the figure:

“2,341,932”

Further amend on page 47, line 10 by deleting the figure “4,365,980” and inserting in lieu thereof the figure:

“4,380,980”

Which was adopted.

Senator Wilson then offered the following amendment No. 4 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**WILSON AMENDMENT NO. 4 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 61, lines 4 and 11 by deleting the figure “2,257,452” and inserting in lieu thereof:

“2,414,572”

Further amend the substitute, as amended, on page 61 lines 6 and 11 by deleting the figure “2,087,452” and inserting in lieu thereof:

“2,244,572”

On motion of Senator Barron, said amendment was laid on the table.

Senator Bailey offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**BAILEY AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 39, line 13 by deleting the figure “24,504,353” and by inserting in lieu thereof the figure:

“24,204,353”

Further amend the substitute, as amended, on page 39 lines 16 and 20 by deleting the figure “12,441,975” and by inserting in lieu thereof the figure:

12,141,975”

Further amend on page 39, line 20 by deleting the figure "25,023,853" and inserting in lieu thereof the figure:

"24,723,853"

Further amend on page 10, line 3 by deleting the figure "18,035,335" and inserting in lieu thereof the figure:

"18,335,335"

Further amend on page 10, line 6 by deleting the figure "1,612,156" and inserting in lieu thereof the figure:

"1,912,156"

Further amend on page 10, line 10 by deleting the figures "4,215,968" and "30,747,643 and inserting in lieu thereof the figures:

"4,515,968" and "31,047,643" respectively

Which was adopted.

Senator Hill offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**HILL AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 78 by deleting line 9 in its entirety and inserting in lieu thereof:

"Mountain Lakes Tourist Association and \$24,200 shall be transferred to the Childersburg Heritage Foundation".

Which was adopted.

Senator Dixon offered the following amendment No. 2 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**DIXON AMENDMENT NO. 2 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 57, line 32 after the "." by inserting the following language:

"In addition to the above appropriation to the Department of Men-

tal Health and Mental Retardation, there is hereby conditionally appropriated \$4,736,021 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor”.

Which was adopted.

Senator Dixon offered the following amendment No. 3 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**DIXON AMENDMENT NO. 3 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 13 after line 26 by inserting the following language and renumbering the following Sections accordingly:

“11. AIRPORT AUTHORITY, ALA -
BAMA INTERNATIONAL:

(a) Airport Development and Aeronautical Support Pro- gram		90,024
SOURCE OF FUNDS:		
(1) State General Fund	90,024	
Total Alabama International Airport Authority	90,024	90,024

The above appropriation to the Alabama International Airport Authority shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor”.

Which was adopted.

Senator Amari offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**AMARI AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 31 after line 28 by adding the following:

“(j) Economic Development Revolving Loan Fund Pro- gram	750,000
Pursuant to Act 90-650	

(k) Small Business Incubator Program	750,000
Pursuant to Act 93-543"	

Further amend the substitute, as amended, on page 31, line 30 and on page 32, line 11 by deleting the figure "9,766,247" and inserting in lieu thereof:

"11,266,247"

Further amend the substitute, as amended, on page 32, line 11 by deleting the figure "167,759,951" and inserting in lieu thereof:

"169,259,951"

On motion of Senator Barron, said amendment was laid on the table.

Senator Ellis offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**ELLIS AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on page 77, after line 4, by inserting the following:

"In addition to the above appropriation there is hereby appropriated \$34,186 to be conditioned on the availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor".

Which was adopted.

Senator Corbett offered the following amendment No. 5 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT NO. 5 TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172, on page 32 after line 11 by inserting the following language:

"In addition to the above appropriation, there is hereby appropriated \$750,000 to the Economic Development Revolving Loan Program,

pursuant to Act 90-650 and \$750,000 to the Small Business Incubator Program, pursuant to Act 93-543 to be conditioned on the availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor”.

Which was adopted.

Senator Langford offered the following amendment to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**LANGFORD AMENDMENT TO HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 on Page 28, after line 3 by adding the following:

“(d) Montgomery County Commission	80,000
Minority Economic Development”	

Further amend the substitute, as amended, on Page 28, line 6 by deleting the figure “4,126,943” and inserting in lieu thereof the figure:

“4,206,943”

Further amend the substitute, as amended, on Page 28, line 14 by deleting the figures “4,650,914” and “4,750,914” and inserting in lieu thereof the figures:

“4,730,914” and “4,830,914” respectively

Further amend the substitute, as amended, on Page 46, line 15 by deleting the figure “92,620” and inserting in lieu thereof the figure:

“150,000”

Further amend the substitute, as amended, on Page 45, line 31 by deleting the figure “2,326,932” and inserting in lieu thereof the figure:

“2,384,312”

Further amend the substitute, as amended, on Page 47, line 10 by deleting the figures “2,326,932” and “4,365,980” and inserting in lieu thereof the figures:

“2,384,312” and “4,423,360” respectively

On motion of Senator Barron, said amendment was laid on the table.

Yeas 13 Nays 10

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, deGraffenried, Denton, Hale, Mitchell, Mitchem, Owens, Smith (B), Underwood, and Waggoner -13

Nays:

Senators:

Campbell, Corbett, Dixon, Floyd, Foshee, Ghee, Langford, Parsons, Wilson, and Windom -10

On motion of Senator Wilson, the Rules were suspended and further consideration of the Bill, HB 172, was postponed subject to the call of the Chair.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 57. Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 831, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

Also:

HJR 101. COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

Also:

HJR 106. RELATIVE TO MEETING DAYS.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., SB 187, adopted.

Yeas 26 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dixon, Ellis, Figures, Floyd, Ghee, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Underwood, Waggoner, Wilson, and Windom -26

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, SB 187, to-wit:

SUBSTITUTE FOR SB 187

A BILL
TO BE ENTITLED
AN ACT

To provide further a five percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

REGULAR SESSION
10th Day

817

On motion of Senator Mitchell, said substitute was laid on the table.

Yeas 27 Nays 3

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Waggoner, Wilson, and Windom
-27

Nays:

Senators:

Horn, Smith (B), and Underwood

- 3

ADJOURNMENT

At 5:25 P.M., on motion of Senator Horn, in accordance with Motion heretofore adopted, and pending further consideration of the Bill, SB 187, the Senate adjourned until Thursday, February 10, 1994, at 9 o'clock A.M.

ELEVENTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 10, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Dr. Lawrence Phipps, Minister, Vaughn Forest Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Robert Kevin Colburn, Marion Military Institute, Marion, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-34

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Dixon, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Dixon, leave of absence was granted Senator Smith (B) for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Corbett:

S. 477. To amend Section 37-3-4, Code of Alabama 1975, relating to the regulation of motor carriers by the Public Service Commission, by adding motor carriers who transport mobile homes to the exemptions.

Committee on Commerce,
Transportation, and Utilities

By Senator Langford:

S. 478. Relating to the compensation of the sheriff, chair of the county commission who serves full time, and the judge of probate of the several counties; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs so as to provide for an increase in that compensation and to provide that the sheriff, chair of the county commission who serves full time, and judge of probate shall each receive an annual salary that is not less than the greater amount paid to either of the other two officers from the same county.

Committee on Governmental
Affairs/State Administration

By Senator Dixon:

S. 479. To provide that the court may award joint custody to both parents where it is in the best interest of the child; to provide definitions, considerations for the court in making a determination, enumerating factors for consideration, authority for the court to order the parents to

submit a plan for consideration by the court, and access to child records by both parents.

Committee on Judiciary/Civil

By Senator Waggoner:

S. 480. To establish a board of trustees who shall be charged with forming the Alabama Family Trust Corporation, the Alabama Family Trust, and the Alabama Family Charitable Trust, to supplement the care, support, habilitation, and treatment of persons who have a mental or physical impairment.

Committee on Health

By Senators Hale, Mitchem, Foshee, Barron, Bolling, Owens, Floyd, Horn, Amari, Lindsey, Bedsole, Mitchell, Denton, Waggoner, Parsons, Dial, Ghee, Windom, Bailey, Langford, and Dixon:

S. 481. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

Committee on Health

By Senator Dial:

S. 482. To establish a statewide program for solid waste management to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and to repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to authorize fees for disposal or incineration of solid waste within the State; to establish minimum standards for solid waste reduction, minimization, and recycling; to provide for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Committee on Commerce,
Transportation, and Utilities

By Senator Dial:

S. 483. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Military Order of the Purple Heart.

Committee on Governmental
Affairs/State Administration

By Senator Wilson:

S. 484. To create the West Alabama Arts Council to encourage the study of the arts and promote interest in art in the region and to provide for the appointment of the council.

Committee on Governmental
Affairs/State Administration

By Senator Wilson:

S. 485. To create the West Alabama Agricultural Council to plan and develop programs of information and aid and assist farmers and agricultural related industries and the securing of financing in the region and to provide for the appointment of council members.

Committee on Governmental
Affairs/State Administration

By Senator Wilson:

S. 486. To create the West Alabama Tourist Association to plan and develop all programs of information and publicity designed to attract tourists to the region and to provide for the appointment of association members.

Committee on Governmental
Affairs/State Administration

By Senator Wilson:

S. 487. To create the Warrior River Development Association to plan and develop all programs of information, commerce, and recre-

ational activities designed to assist the economic growth of the region and to provide for the appointment of association members.

Committee on Governmental
Affairs/State Administration

By Senator Wilson:

S. 488. To establish a Recycling Industry and Market Development Council to assist in the development of markets for recovered materials and products with recycled content in this state and to provide for the function, duties, and membership of the council.

Committee on Commerce,
Transportation, and Utilities

By Senator Wilson:

S. 489. To create the Corridor X Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and state, county, and municipal agencies in the region; and to provide for the appointment of authority members.

Committee on Finance
and Taxation

By Senator Wilson:

S. 490. To create the Corridor X Economic Development Council to encourage comprehensive and coordinated planning and programming of economic and community affairs for the region and to provide for the appointment of council members.

Committee on Finance
and Taxation

By Senator Wilson:

S. 491. To create the West Alabama Finance Authority to plan and develop information and financing programs to aid and assist organizations, corporations, businesses, municipalities, counties, individuals, and

state, county, and municipal agencies in the region; and to provide for the appointment of authority members.

Committee on Finance
and Taxation

By Senator Wilson:

S. 492. To amend Section 11-88-6 of the Code of Alabama 1975, to change the maximum compensation of directors of certain authorities and provide a new method for fixing the compensation for directors of certain authorities, based on the number of customers billed; and to provide for ratification of past actions in fixing compensation.

Committee on Finance
and Taxation

By Senator Wilson:

S. 493. To make a supplemental appropriation from the State General Fund in the State Treasury to the Alabama Department of Economic Community Affairs Planning Program for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Wilson:

S. 494. To create the West Alabama Sports Association to encourage and attract more professional athletic, sporting, and promotional events to the region, and to develop publicity and promotional programs for the support of those events and to provide for the appointment of association members.

Committee on Governmental
Affairs/State Administration

By Senators Mitchem, Bedsole, Dixon, Bolling, Owens, Hale, Horn, Wilson, Corbett, Waggoner, Barron, deGraffenried, Figures, Denton, Mitchell, and Smith (J):

S. 495. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the

teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Committee on Finance
and Taxation

By Senator Bedsole:

S. 496. To amend Section 11-98-5 of the Code of Alabama 1975, relating to emergency telephone service and communication districts; to provide further for the service areas and the levy of an emergency telephone service charge.

Committee on Finance
and Taxation

By Senator Smith (J):

S. 497. To amend Section 21-7-4, Code of Alabama 1975, relating to rights of blind and disabled persons to have access to public places and accommodations, and to have the use of guide and hearing dogs, so as to provide for the use of assistance dogs by those persons.

Committee on Health

By Senator Dixon:

S. 498. Relating to any Class 3 municipality; to provide for the offense of carrying firearms on school premises or while being transported to or from school or a school-related activity on transportation provided by the school; and to prescribe penalties.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Sanders:

S. 499. To create a new circuit judgeship in the Fourth Judicial Circuit.

Committee on Judiciary/Civil

By Senator Dial:

S. 500. To establish a statewide program for solid waste man-

agement to be coordinated by the Department of Environmental Management; to amend Sections 22-27-1 to 22-27-3, inclusive, Sections 22-27-5, and 22-27-48, Code of Alabama 1975, and to repeal Sections 22-27-4, 22-27-6, and 22-27-7, Code of Alabama 1975, relating to solid waste disposal and local approval of solid waste disposal facilities; to provide for local programs of solid waste management and to control unauthorized dumping; to authorize fees for disposal or incineration of solid waste within the state; to establish minimum standards for solid waste reduction, minimization, and recycling; to provide for penalties and other enforcement remedies for violations; to provide confidentiality for certain information; and to clarify requirements of local approval.

Committee on Commerce,
Transportation, and Utilities

By Senator Corbett:

S. 501. To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to Tuskegee University for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Ellis:

S. 502. To create a new circuit judgeship in the Eighteenth Judicial Circuit.

Committee on Finance
and Taxation

RESOLUTIONS

Senator Langford requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama herein records the lamentable death of Mr. Judge Thomas Coleman of Montgomery, Alabama, on February 3, 1994; and

WHEREAS, a lifelong resident of Montgomery, Mr. Coleman was

11th Day

a highly regarded member of his community, who was widely known for his service and support of many organizations and programs that impacted greatly and to the good and well-being of his fellowman; and

WHEREAS, most particularly dedicated in his service to the Christian community, Mr. Coleman was one of the founding fathers and a member of the New Providence Missionary Baptist Church since its establishment 23 years ago; and

WHEREAS, he also was one of the original Deacons of the church, as well as Chairman of the Board of Deacons for 16 years, and worked faithfully in all areas of New Providence Missionary Baptist Church activities and ministries; and

WHEREAS, Mr. Coleman, who is survived by his beloved wife, Mrs. Hattie Coleman, was the loving father of six children, two of whom preceded him in death, and his loss is a source of deep and abiding grief to them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Montgomery community and the family of New Providence Missionary Baptist Church in mourning the death of Mr. Judge Thomas Coleman, and do further direct that a copy of this resolution be provided for his family, whose sorrow we sincerely share, and to whom we express our most heartfelt condolence.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

WHEREAS, it is with deep and abiding grief that the Alabama Legislature records the lamentable death of Mrs. Rachel Thomas of Perry County, Alabama, on January 22, 1994; and

WHEREAS, Mrs. Thomas, a dearly beloved member of her community, was a faithful member of St. James Baptist Church in Marion, Alabama, and was a founder of the Perry County Civic League which she served as a devoted member for twenty-five years; and

WHEREAS, Mrs. Thomas was a warm and gracious Christian lady whose kind disposition and unselfish service, as well as the words of encouragement she gave to others, endeared her to all those privileged to know her; and

WHEREAS, in the death of Mrs. Rachel Thomas, the community, her many friends, and her loving family, have indeed suffered an insupportable loss, which leaves them sorely bereft in grief, but with memories and their hopes of reunion to sustain them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we bow in submission to the will of God, we grievously mourn the death of Mrs. Rachel Thomas, and extend our deepest sympathy to all her family, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Sanders then requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

WHEREAS, violence is increasing in our communities, towns and municipalities, as well as in the rural areas of the State of Alabama; and

WHEREAS, this violence is destructive to our state in many ways; and

WHEREAS, the residents of Alabama must deal with the violence to save our state from destruction from within; and

WHEREAS, the residents of Alabama often totally depend on law enforcement and governmental agencies to deal with violence in their respective communities; and

WHEREAS, each resident has a responsibility and duty to assist our government and each other in dealing with violence in our communities; and

WHEREAS, the Legislature desires to assist in the prevention of violence in Alabama by focusing positive attention on methods to stop violence; and

WHEREAS, it is necessary that every individual in Alabama refrain from violence; and

WHEREAS, every church, organization, and group in Alabama should determine and implement ways that residents may individually and collectively help prevent violence in their communities; and

WHEREAS, it is fitting and proper that the Legislature declare 1994 as Anti-Violence Year in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated "Anti-Violence Year" in the State of Alabama, and we do further urge all county commissions, municipalities, boards of education, other government agencies, churches and organizations in Alabama to support the Legislature in its efforts to free our state from the destructive force of violence.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turner (With Notice and Proof):

H. 40. Relating to Mobile County; authorizing the Mobile County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 40, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 40 - to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cullins (With Notice and Proof):

H. 549. Relating to Tallapoosa County; authorizing the additional fee on civil and criminal cases in the county with the proceeds to be used for the operation and maintenance of the county jail; and providing for the levy of the fee, effective July 1, 1994.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 549, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Mes-

sage from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 549 - to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cullins:

H. 48. Proposing an amendment to Amendment No. 297 to the Constitution of Alabama of 1901 pertaining to Tallapoosa County to authorize the county commission to alter costs and charges of court.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 48 - to the Committee on Local Legislation No. 1

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kvalheim, Gaston, Rockhold, Zoghby, Buskey, Harper, and Kennedy (With Notice and Proof):

H. 313. To amend further Section 16 of Act No. 243, H. 278, First Special Session of 1964, as amended, which provides for the pension

and relief system for policemen and firefighters of the City of Mobile, to provide for disability and death benefits for police officers resulting from certain occupational diseases.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 313, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Reps. Rockhold, Turner, Gaston, and Kvalheim (With Notice and Proof):

H. 559. To exempt the Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 559, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 313 and 559 - to the Committee on Local Legislation No. 3

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124,

16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley (With Notice and Proof):

H. 551. Relating to Coffee County; providing for the fee for the issuance of pistol permits; providing for the deposit of distribution of the funds; and repealing Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 551, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 553. Relating to Coffee County; providing for the appointment of deputy coroners.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 553, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

HB's 551 and 553 - to the Committee on Local Legislation No. 1

RESOLUTION

Senator Corbett requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

SJR 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Davina and Regina Hicks of Tuskegee, Alabama, who were chosen to represent Very Special Arts Alabama at the forthcoming Very Special Arts International Festival to be held May 4-8, 1994, in Brussels, Belgium; and

WHEREAS, Very Special Arts Alabama, ably directed by Dr. Mary Jean Sanspree, is a part of the Very Special Arts Program (VSAP) founded by Jean Kennedy Smith, which serves to enrich the lives of those with disabilities through the arts, and is affiliated with the John F. Kennedy Center for the Performing Arts in Washington, D. C.; and

WHEREAS, Davina and Regina Hicks, who will perform a dance routine at the event, and who are the twin daughters of Mr. and Mrs. Leo Hicks, are enrolled in the Very Special Arts Alabama Program at Tuskegee where, for the past eight years, they have studied dance under the capable guidance and instruction of Mary Jean Arrington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as Alabama's representatives at the forthcoming Very Special Arts International Festival in Brussels, we hereby most highly commend and congratulate Davina and Regina Hicks of Tuskegee, Alabama, for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Freeman:

H. 266. Amending Sections 16-47-10 and 16-52-12, Code of Alabama 1975, permitting police officers of the University of Alabama and Jacksonville State University to carry persons arrested to the nearest municipal court; and specifying the arrest powers of police officers of the University of Alabama.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 266 - to the Committee on Judiciary/Criminal Justice and Public Safety

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Flowers:

H. 131. Relating to insurance, to allow domestic stock insurers and domestic mutual insurers to pay dividends from other than earned surplus only with prior approval of the commissioner, by amending Sections 27-27-37 and 27-27-38, Code of Alabama 1975; to amend Sections 27-29-1, 27-29-2, 27-29-3, 27-29-4, and 27-29-5, Code of Alabama 1975, relating to insurance; to provide further for the regulation of insurance in this state by amending the Alabama Insurance Holding Company System Regula-

tory Act so as to make it substantially similar to the model act; and to add a new section regarding recovery rights of the receiver of an insolvent insurer.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 131 - to the Committee on Banking and Insurance

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Rep. Lindsey:

H. 272. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; define the word "farmer"; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 272 - to the Committee on Agriculture, Conservation, and Forestry

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Clark (J) and Flowers:

HJR 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

Also:

By Reps. Morrow, Box, Haynes, Harvey, Smith (C), Knight (J), Burke, Ford, Knight (A), and Venable:

HJR 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolutions, HJR's 110 and 111, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Reps. Hall (L), Buskey, Clark (W), Kennedy, Holmes, McDowell, Rogers (J), McClain, Barnes, Newton (D), Hilliard, Clay, Black (L), Spratt, Knight (J), Bryant, Thomas, Melton, Perdue, Hall (A), and Butler:

HJR 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 104, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

Also:

SJR 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

Also:

SJR 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

Also:

SJR 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint

Resolution and sends same herewith to the Senate for its consideration:

By Reps. Rogers (J), White, Hammett, Melton, Burke, Ford, Biddle, Millican, Cosby, Black (L), Hawkins, Smith (C), Harper, McDowell, Knight (J), Spratt, Black (M), Parker (T), Anderson, Letson, Curry, Page, Knight (A), Hill, Collins, Gaines, Sanderson, McDaniel, Richardson, Smith (R), Payne, Johnson, Hilliard, Drake, Sanderford, McClain, Petelos, Hall (A), Hooper, and Parker (P):

HJR 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state, created pursuant to Act No. 93-111, H.J.R. 20 of the 1993 Regular Session (Acts 1993, p. 167), shall have two additional members, one member appointed by the Speaker of the House of Representatives and one member appointed by the Lieutenant Governor or the Presiding Officer of the Senate, and shall report its findings and recommendations to the Legislature by the fifteenth legislative day of the 1995 Regular Session at which time the committee shall stand dissolved and discharged of any further duties.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 109, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cagle and Penry:

HJR 112. DECLARING THE SENSE OF THE ALABAMA

LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

WHEREAS, the railroad industry is acknowledged as the originator of private company pensions in the United States; and

WHEREAS, in the 1930's the United States Congress assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

WHEREAS, the railroad retirement system today covers over one million individuals who have contributed over the years in good faith and who have legitimate expectations of receiving their benefits; and

WHEREAS, the National Performance Review, in its report "From Red Tape to Results: Creating a Government That Works Better & Costs Less" proposes to transfer the functions of the Railroad Retirement Board to the Social Security Administration, to other federal agencies, and to "private section service providers"; and

WHEREAS, this proposal would privatize and terminate a program that has worked well and provided retirement security to millions of people for nearly 60 years; and

WHEREAS, it now costs less money per benefit dollar to administer railroad retirement than it costs to administer Social Security and consequently, the proposal is likely to increase costs to the taxpayer; and

WHEREAS, the transfer would violate the federal government's stated commitment to "serving the customer" as current and future railroad retirement beneficiaries vehemently oppose the transfer; and

WHEREAS, this action threatens to disrupt earned and needed benefits for 1.3 million active, retired, and disabled railroad workers and their families; and

WHEREAS, this proposal would adversely affect all active and retired railroad employees and their families in the great State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continued federal commitment to the railroad retirement system is essential to assure the integrity of the railroad retirees' benefits.

BE IT FURTHER RESOLVED, That the preservation of the present structure of the railroad retirement system, including the administrative framework of the Railroad Retirement Board, is necessary to fulfill the time-honored responsibility of the federal government.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Railroad Retirement Board and the Social Security Administration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

On motion of Senator Corbett, the Rules were suspended and the Resolution, HJR 112, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

Presently there are numerous appointments to boards and commissions in committee of the Senate. I respectfully request that these names be withdrawn and returned to this office. Enclosed are the names requested to be withdrawn.

With warmest personal regards, I remain

Sincerely,

JIM FOLSOM,
Governor.

Enclosure

CF 30 AND SUBSTITUTE - WOODY BROWN
CF 23 AND SUBSTITUTE - BERNARD CABINESS
CF 31 AND SUBSTITUTE - PAUL HOLMES
CF 21 AND SUBSTITUTE - BILL KENDRICK
CF 22 AND SUBSTITUTE - DOUG LIPSCOMBE
CF 24 AND SUBSTITUTE - FERD WEIL
CF 29 AND SUBSTITUTE - JOHN MORRIS

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Farmers' Market Authority was read and spread upon the Journal.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama State Board of Human Resources.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ms. Naomi Haynes Griffith of Decatur, Alabama to serve as a member of the Alabama State Board of Human Resources effective February 3, 1994. She will be replacing Jeanne Weaver, who has resigned, and her term will expire August 28, 1995.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Board of Human Resources, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Ferd F. Weil, Sr. of Birmingham, Alabama to serve as a member of the Alabama Farmers' Market Authority representing the State At Large, effective September 24, 1993. He will be replacing George Kaiser and his term will expire February 1, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, rela-

tive to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Doug Lipscombe of Foley, Alabama to serve as a member of the Alabama Farmers' Market Authority representing the 1st Congressional District, effective September 24, 1993. He will be replacing Bedsole Mosely and his term will expire February 1, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Woody Brown of Jasper, Alabama to serve as a member of the Alabama Farmers' Market Authority, representing the 4th Congressional District, effective February 2, 1994. He will be replacing Dwight Tilley and his term will expire February 1, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bernard Cabiness of Scottsboro, Alabama to serve as a member of the Alabama Farmers' Market Authority representing the 5th Congressional District, effective September 24, 1993. He will be replacing Jack Thompson and his term will expire February 1, 1998.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Paul Holmes of Talledega, Alabama to serve as a member of the Alabama Farmers' Market Authority, representing the 3rd Congressional District, effective February 2, 1994. He will be replacing Mary Ann Sheppard and his term will expire February 1, 1996.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MOTION TO ADJOURN

Senator Owens moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, February 16, 1994, at 10 o'clock A.M., which motion was adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Farmers' Market Authority.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Bill Kendrick of Orrville, Alabama to serve as a member of the Alabama Farmers' Market Authority, representing the 7th Congressional District, effective February 2, 1994. He will be replacing John Goodson and his term will expire February 1, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Farmers' Market Authority, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to

the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Rick Ingram of Muscle Shoals, Alabama to serve as a member of the Alabama Real Estate Appraisers Board, representing the 5th Congressional District, effective February 7, 1994. He will be replacing F. L. Clark and his term will expire September 1, 1995.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Mem Webb of Demopolis, Alabama to serve as a member of the Alabama Real Estate Appraisers Board, representing the 7th Congressional District, effective February 7, 1994. He will be replacing C. Lanett Davis and his term will expire September 1, 1994.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. M. G. Prater of Gadsden, Alabama to serve as a member of the Alabama Real Estate Appraisers Board, representing the 4th Congressional District, effective February 7, 1994. He will be replacing Phil Fowler and his term will expire September 1, 1994.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Byron H. Andrews of Gulf Shores, Alabama to serve as a member of the Alabama Real Estate Appraisers Board effective January 28, 1994. He will be replacing Edward F. Travis and his term will expire January 27, 1997.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 10th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Dennis R. Greene

of Phenix City, Alabama to serve as a member of the Alabama Real Estate Appraisers Board effective January 27, 1994. He will be replacing William Sizemore and his term will expire January 26, 1997.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 10th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Real Estate Appraisers Board.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. T. L. Forrest, Jr. of Birmingham, Alabama, to serve as a member of the Alabama Real Estate Appraisers Board, representing the 6th Congressional District, ef-

fective February 7, 1994. He will be replacing Steven V. Graham and his term will expire February 6, 1997.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Real Estate Appraisers Board, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama A&M University Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. Oneil Culver of Eufaula, Alabama to serve as a member of the Alabama A&M University Board of Trustees, representing the 2nd Congressional District, effective

February 7, 1994. He will be replacing Franklin Perry and his term will expire January 31, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the A&M University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama A&M University Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Robert Holmes, Jr. of Birmingham, Alabama to serve as a member of the Alabama A&M University Board of Trustees, representing the State at Large, effective Feb-

ruary 7, 1994. He will be replacing Cliff Walker and his term will expire January 31, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the A&M University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama A&M University Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. L. Shefton Riggins of Calera, Alabama to serve as a member of the Alabama A&M University Board of Trustees representing the State at Large, effective Feb-

ruary 7, 1994. He will be replacing Elliott Maisel and his term will expire January 31, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the A&M University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama A&M University Board of Trustees.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 7th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Jessie L. Cleveland of Sylacauga, Alabama to serve as a member of the Alabama A&M University Board of Trustees, representing the 3rd Congressional District,

effective February 7, 1994. He will be replacing Betty M. Brady and his term will expire January 31, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 7th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the A&M University Board of Trustees, was read and referred to the Standing Committee on Confirmations.

REPORTS OF COMMITTEES

Senator Corbett, Chairperson of the Standing Committee on Economic Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Amendment):

S. 471. To amend Sections 36-30-20 and 36-30-21 of the Code of Alabama 1975, relating to compensation for disability or death of municipal police officers; to extend the coverage of benefits for death or disability from occupational diseases of police officers and to all municipalities; to define the term police officer; and to provide for totally and partial dependents.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendments):

S. 93. To provide further for the regulation and supervision of the business of title insurance transacted within the state; to provide

further for the authority of the Commissioner of Insurance; and to specifically repeal Section 27-25-1, Code of Alabama 1975.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom:

S. 330. To regulate the insurance industry and to establish the crime of fraudulent insurance practices; to provide for unfair practices relating to advertising, certain solicitations, endorsements, and the use of other inducements by the insurance industry; to require truthful advertising and certain disclosure of benefits, sponsorship, and other pertinent information for the policyholder or applicant; to provide for misdemeanor criminal penalties; and to construe this act with insurance laws regulating rebates and special inducements.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Amendment):

S. 331. To require that certain persons employed as insurance agents or brokers of insurance by insurers take continuing education courses; to establish standards for continuing education programs; and to provide certain exceptions.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, as amended, and it was read a second time and placed on the calendar, to-wit:

By Senator Windom (With Substitute, As Amended):

S. 332. To amend Section 37-14-3, Code of Alabama 1975, relating to insurable interest in personal insurance contracts, to further provide for the insurable interest of a corporation and related legal entities of a corporation in the directors, officers, and employees of the corporation un-

der certain conditions and to further provide for the insurable interest of certain charitable institutions as defined by the Internal Revenue Code in the life of a donor.

Senator Windom, Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 377. To amend Section 27-19-57, Code of Alabama 1975, relating to the notice of right to return a Medicare supplement insurance policy, to change the number of days that certain applicants have to return a policy.

By Senator Windom:

S. 393. To amend Section 10-2A-221, Code of Alabama 1975, relating to the authority of certain foreign corporations to act as a fiduciary in Alabama, so as to permit a foreign corporation to act in a fiduciary capacity in this state without qualifying to do business in this state provided that the foreign corporation's home state grants authority to an Alabama corporation to serve in a like fiduciary capacity in the foreign corporation's home state; and to add the terms "personal representative" and "conservator" to the list of types of fiduciaries.

By Senator Corbett:

S. 417. To amend Sections 27-40-1, 27-40-8, 27-40-12, 27-40-15, and 27-40-17, Code of Alabama 1975, relating to insurance premium finance companies, to provide further for the regulation of such companies; to delete certain references to and authorizations for designated agents; to require premium finance agreements to contain certain information; and to substantially alter the procedure for return of gross unearned premium upon cancellation of the insurance contract.

By Senator Langford:

S. 439. To provide for an alternative late charge in an amount not exceeding the greater of \$2 or five percent of the scheduled payment, which may be charged and collected in connection with a consumer loan, a consumer credit sale, or a consumer credit lease when the scheduled payment is delinquent or in default more than five days.

By Senator Windom:

S. 441. To provide for a reduction in insurance premiums for motor vehicle liability, first party medical, and collision coverages for certain drivers.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 42. To amend Sections 11-51-90 and 11-51-93, Code of Alabama 1975, to increase the license issuance fees and the penalty for engaging in a business or vocation in a municipality without a license.

By Senators Dial, Mitchem, Hale, and Owens:

S. 100. To make a supplemental and additional appropriation from the Alabama Special Educational Trust Fund to the Local Boards Program of the State Board of Education for Teachers' Sick Leave, Support Personnel Sick Leave, Teachers' Personal Leave, and Support Personnel Personal Leave for the 1993-94 fiscal year ending September 30, 1994.

By Senator Dixon:

S. 204. To exempt Camp Alamisco from the payment of all state, county, and municipal sales and use taxes.

By Senator Mitchem:

S. 270. To amend Section 16-25A-17, Code of Alabama 1975, relating to the Public Education Employees' Health Insurance Program, to allow the Public Education Employees' Health Insurance Board to provide additional funding for retirees.

By Senator Parsons:

S. 334. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

By Senator Mitchell:

S. 387. Reopening the Employees' Retirement System of Ala-

bama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Council on the Arts.

By Senator Dial:

S. 429. To amend Section 16-25-3.1, Code of Alabama 1975, to allow purchase of credit for certain service in the Teachers' Retirement System by members who were denied an opportunity to join previously because of advanced age at the time of employment.

By Reps. Hall (A), Drake, Freeman, Crow, Turner, Kvalheim, Hogan, Page, Hall (L), Rogers (J), Hilliard, Penry, Butler, Burke, Millican, Parker (P), Rockhold, Cagle, and Bowling:

H. 359. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures:

S. 213. To provide for the automatic restoration of voting rights for certain persons who fulfill the conditions of the sentence or conditions required by the state Board of Pardons and Paroles; and to specifically repeal Section 17-3-10, Code of Alabama 1975.

By Senator Figures:

S. 214. To prohibit a person from providing anything of value to a person receiving a scholarship or grant to attend a state institution, or for a person receiving a scholarship or grant to attend a state institution to accept anything of value, if receipt of that thing of value is in violation of the rules of the school or the rules, terms, and conditions of any association of which the school is a member; and to prescribe criminal penalties for violating this act.

By Senator Horn:

S. 289. To provide for the enhancement of the sentence of a

criminal defendant convicted of a crime when the victim was over the age of 62 years or under the age of 13, and the victim suffered serious physical injury or a deadly weapon or dangerous instrument was used.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Escott-Russell (With Substitute):

S. 323. To provide for the enhancement of the sentence of a person who is convicted of a crime where the victim is elderly, infirmed, or handicapped.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 7. Providing for the imposition of additional penalties on a person committing a crime and motivated by the victim's actual or perceived race, color, religion, national origin, ethnicity, or physical or mental disability.

By Rep. Butler:

H. 25. Amending Section 13A-12-200.1, Code of Alabama 1975, to include for monetary consideration topless, bottomless, or nude dancing among violations specified in the Alabama Anti-Obscenity Enforcement Act.

By Rep. Freeman:

H. 105. To provide that certain adults having control of a residence shall not allow an open house party to continue in certain instances; to provide exceptions; and to provide penalties for violations.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the

Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Higginbotham (With Amendment):

H. 128. To allow the transfer of foreign nationals imprisoned in Alabama to the country of their citizenship.

Senator Ellis, Chairperson of the Standing Committee on Judiciary/Criminal Justice and Public Safety, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Haynes:

H. 398. Relating to Talladega College, granting certain persons employed by the college certain police powers; and amending Section 16-22-1, Code of Alabama 1975.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

S. 33. To provide that law enforcement officers may engage in or refrain from participating in political activity by amending Section 17-1-7, Code of Alabama 1975.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell:

S. 79. To amend Section 6-5-391, Code of Alabama 1975, to further provide for the distribution of any damages recovered in a wrongful death action involving a minor child.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the follow-

ing bill and ordered same returned to the Senate with a favorable report, with amendments, and it as read a second time and placed on the calendar, to-wit:

By Senator Langford (With Amendments):

S. 96. To amend Section 36-26-27, Code of Alabama 1975, to provide further for procedures relating to dismissals and disciplining of certain employees.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on he calendar, to-wit:

By Senator Smith (J):

S. 103. To amend Section 36-21-2, Code of Alabama 1975, to provide further for the subsistence allowance of law enforcement officers to include on a graduated basis officers with the Department of Corrections.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

S. 271. To provide further for information to be contained on documents conveying an interest in real property and to provide for an effective date.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 286. To amend Section 30-2-51, Code of Alabama 1975, to provide for discretionary inclusion of certain benefits within a spousal estate when the court determines an allowance upon the grant of a divorce.

By Senator Langford:

S. 321. Providing group health insurance for certain retired judges of probate in the state employees group health insurance plan and providing that the retired judges shall pay the entire cost for having such group health insurance during retirement.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute):

S. 336. To authorize any custodial parent, guardian, and/or the Department of Human Resources to bring a civil action to establish an order of past due support for a minor child or children for any period in which a parent had an obligation to provide support and failed to do so.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Wilson:

S. 358. To provide that the attorney representing the IV-D agency in a support enforcement action brought by the Department of Human Resources represents the State of Alabama only, that no attorney-client relationship exists between the agency client and the IV-D attorney, and that in a IV-D action, the IV-D attorney is only authorized to represent and address support issues.

By Senator Langford:

S. 373. Relating to deputy circuit clerks; to repeal Section 17-2-8, Code of Alabama 1975, which provides for the election of deputy circuit clerks in counties having more than five circuit judges; and to repeal Section 12-17-99, Code of Alabama 1975, which relates to the supplemental salary of elected deputy circuit clerks.

By Senator Floyd:

S. 388. To repeal Section 30-3-7 of the Code of Alabama 1975,

relating to fees for investigation services performed by the Department of Human Resources in divorce and divorce modification proceedings, and providing for the deposit of the fees in the State General Fund.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Lindsey (With Amendment):

S. 406. To revise the current child labor laws relating to employment and the safety, health, and welfare of minor persons in the workplace; to repeal conflicting laws, specifically Sections 25-8-1 to 25-8-25, inclusive, and Sections 25-8-27, 25-8-28, 25-8-30, and 25-8-31, Code of Alabama 1975, and to retain certain misdemeanor criminal penalties for violations.

By Rep. Freeman (With Amendment):

H. 241. Relating to mental health and mental retardation; providing for the exercise of temporary custody of alleged mentally ill persons by law enforcement and community mental health officers at designated mental health facilities; authorizing the judge of probate to make a finding in order that the county might, with the approval of the county commission, adopt and be covered by the provisions of this act; and providing civil immunity for certain persons acting in good faith pursuant to the provisions of this act.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendments):

S. 322. To provide for the regulation and licensure of geologists; to provide for the Alabama Board of Licensure for Geologists; to make an appropriation; and to prescribe fines and penalties for violations of this act.

Senator Wilson, Chairperson of the Standing Committee on Energy and Natural Resources, reported that said committee, in session, had

acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Wilson, Campbell, Owens, Bolling, Dial, Little, Lindsey, Foshee, Hale, Ellis, Corbett, Underwood, Amari, Escott-Russell, Horn, Figures, Sanders, Parsons, and Langford:

S. 365. To establish the Alabama Residential Energy Code Board for the purpose of promoting and overseeing the implementation of the Model Energy Code and advising the Science, Technology, and Energy Division of the Alabama Department of Economic and Community Affairs on matters relating to the Model Energy Code; to provide for the method of appointment of members to the board and their purposes, functions, duties, and activities; and to provide for the mandatory implementation of and adherence to the Model Energy Code if a unit of local government so chooses to adopt it in whole or in part.

By Senator Lindsey:

S. 474. To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil and to provide an exemption for natural gas lawfully vented or flared in connection with the production of gas from the Conservation and Production Tax and the Privilege Tax.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Dial, Hale, Dixon, Barron, and Waggoner:

S. 374. To propose an amendment to the Constitution of Alabama of 1901 to provide for adequate educational opportunities to all school-children in the state.

The above Bill was read a second time at length as required by the Constitution.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bailey and Dixon (With Amendment):

S. 450. To designate the Alabama Independent School Association as the official in-state accrediting agency for non-public and private schools in Alabama.

Senator Bailey, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 469. To establish the "Alabama Child Nutrition Law"; to require local boards of education to establish school breakfast and lunch programs beginning with the 1995-96 school year; to authorize the State Board of Education to promulgate rules for the compliance of this act; and to provide for enforcement by the State Superintendent of Education.

Senator Mitchem, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 276. To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

By Senators Owens, deGraffenried, Waggoner, Smith (J), Windom, Lipscomb, Smith (B), Foshee, Hill, Ellis, Dial, Barron, and Mitchem:

S. 372. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchell (With Amendment):

S. 398. To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Sanders:

S. 438. To provide for a special restricted driver's license for any person who is at least 15 years of age and less than 16 years of age; and for this purpose to amend Section 32-6-7, Code of Alabama 1975, relating to persons to whom a driver's license shall not be issued.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Horn (With Amendment):

S. 465. To provide procedures by which municipalities may establish one or more Self-Help Business Improvement Districts to provide supplemental services financed by special assessments levied on the fair market value of the real property located within the geographical area of the district; to provide for the management, operation, powers, and duties of the districts, including the creation of nonprofit corporations to manage the districts; to provide certain required provisions in the articles of incorporation of district management corporations; to provide for dissolution of a district and withdrawal of a nonprofit corporation's designation as a district management corporation; to provide that district management corporations shall have no power of eminent domain; to provide certain tax exemptions for district management corporations; to provide immunity from civil liability to district management corporations and their noncompensated officers and directors; and to provide immunity from civil liability to the municipality respecting acts of district management corporations, their officers, directors, agents or employees.

Senator Owens, Chairperson of the Standing Committee on Small

Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Owens (With Amendment):

S. 235. To amend Section 11-50-1.1, Code of Alabama 1975, which prohibits municipalities from acquiring or duplicating services of certain waterworks systems, so as to also prohibit public corporations or entities created or operating pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50 of Title 11, Code of Alabama 1975, generally, from so acquiring or duplicating those services; and to prohibit any waterworks system or any part thereof, operated by a corporation or association which has been organized under Sections 10-4-190 through 10-4-194, Sections 11-88-1 through 11-88-21, Sections 11-88-40 through 11-88-111, or Sections 11-89-1 through 11-89-19, Code of Alabama 1975, from acquiring or duplicating any services of any waterworks system or any part thereof, operated by a municipality or public corporation or entity created or functioning pursuant to Sections 11-50-230 through 11-50-241, Code of Alabama 1975, specifically, and Chapter 50, Title 11, Code of Alabama 1975, generally.

COMMITTEE REPORT

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the Bill, HB 112, and ordered same returned to the Senate with a favorable report, and placed on the calendar.

REPORTS OF COMMITTEES RESUMED

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Dial, Dixon, Windom, Parsons, Ghee, Mitchell, Lindsey, Wilson, Denton, Corbett, Smith (J), Little, Bolling, Barron, Horn, Waggoner, Langford, Bailey, Foshee, Hale, Owens, and Figures:

S. 76. To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

RESOLUTIONS

Senator Hale offered the following Senate Joint Resolution, to-wit:

SJR 41. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two Houses of the Legislature adjourn today, Thursday, February 10, 1994, they adjourn to meet again on Wednesday, February 16, 1994.

On motion of Senator Hale, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Waggoner offered the following Senate Joint Resolution, to-wit:

SJR 42. COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates and commends Vincent John (V. J.) Graffeo of Mountain Brook, Alabama, for having achieved the rank of Eagle Scout, the highest accomplishment in scouting and one which is reached by less than two percent of all participants in the Boy Scouts of America program; and

WHEREAS, V. J. Graffeo, the son of Anthony and Jo Ann Graffeo, and a sophomore at Mountain Brook High School, has demonstrated a record of achievement throughout his membership in Boy Scout Troop 320, which is sponsored by Mountain Brook Presbyterian Church; and

WHEREAS, in addition to his involvement and service with the Boy Scouts, V. J. is very active also in a number of organizations at Mountain Brook High School where he is a member of the National Honor Society, the Latin Club, and Future Business Leaders of America, among other affiliations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Vincent John (V. J.) Graffeo on his attainment of the rank of Eagle Scout, and do further direct that he receive a copy of this resolution, with sincere best wishes for every future success in life.

On motion of Senator Waggoner, the Rules were suspended and the

Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 67. Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 26. RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

Also:

SJR 27. COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 28. DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR IN THE STATE OF ALABAMA.

Also:

SJR 29. COMMENDING DR. BOBBY ROBERSON OF BEVILL STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

Also:

SJR 32. DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 114, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Parsons, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING

THE BILL:

S. 114. Relating to the City of Hartselle in Morgan County, to

alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (J), Waggoner, Wilson, and Windom
-25

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., SB 428, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Wilson
-25

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 428. Relating to Morgan County; to amend Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to the process of service and its methods by the county and collection of fees as provided by law by the sheriff or the deputy sheriff, by providing that the sheriff or the deputy sheriff shall personally serve subpoenas.

was read a third time at length and passed, and ordered set forthwith to the House.

Yeas 25 Nays 0

REGULAR SESSION
11th Day

875

Yeas:

Senators:

Amari, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Campbell, B.I.R., HB 88, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Wilson
-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchem, Owens, Sanders, Smith (J), Wilson, and Windom
-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Corbett, B.I.R., HB 468, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Sanders, Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Parsons, Sanders, Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Figures, B.I.R., SB 397, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 397. To amend Section XV of Act No. 470, H. 952, Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, p. 298), as amended, which established the county-wide civil service system in Mobile County, to provide the procedures for filling vacancies by appointment in the classified service.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Lindsey, Mitchell, Mitchem, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 85, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Underwood, Waggoner, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Barron, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom, B.I.R., HB 236, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Escott-Russell, Figures, Floyd, Foshee, Hale, Hill, Horn, Langford, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 236. Relating to Mobile County; to exempt the Mobile Arts and Sport Association from the payment of all county and municipal sales and use taxes.

was taken up.

The Standing Committee on Local Legislation No. 3 reported the following substitute for the Bill, HB 236, to-wit:

SUBSTITUTE FOR HB 236

A BILL TO BE ENTITLED AN ACT

Relating to Mobile County; to exempt the Mobile Arts and Sport

Association and the Greater Gulf State Fair, Inc. and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair from the payment of all county and municipal sales and use taxes and licenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Mobile Arts and Sport Association is exempted from paying any county and municipal sales or use taxes.

Section 2. The Greater Gulf State Fair, Inc and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair are exempted from paying any county and municipal sales or use taxes and licenses.

Section 3. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Escott-Russell, Figures, Foshee, Ghee, Hale, Hill, Horn, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-25

Nays:

- 0

And said Bill, HB 236, as thus amended, was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Campbell, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Little, Mitchell, Owens, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom

-25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 362, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Underwood, Waggoner, and Wilson -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 362. Relating to Clay County; to further provide for the use of the Public Highway and Traffic Fund for the payment of the salaries and automobile expense of deputy sheriffs.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Bedsole, Campbell, Corbett, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Mitchell, Mitchem, Parsons, Smith (J), Underwood, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., SB 421, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Corbett, Denton, Dial, Dixon, Figures, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom-25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 421. Relating to Perry County; providing further for the distribution of the proceeds of the ad valorem taxes levied pursuant to Act No. 88-816, H. 309, 1988 Special Session.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, and Waggoner -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., HB 428, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Little, Mitchem, Owens, Sanders, Smith (J), Waggoner, Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

was read a third time at length and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Hill, Langford, Lindsey, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Sanders, B.I.R., HB 429, adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Little, Mitchell, Owens, Sanders, Smith (J), Wilson, and Windom -25

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

was read a third time at length as required by the Constitution and passed.

Yeas 25 Nays 0

Yeas:

Senators:

Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Hill, Langford, Little, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, Wilson, and Windom -25

Nays:

- 0

UNFINISHED BUSINESS
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 187. To provide further an eight percent salary increase for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

Senator Horn offered the following substitute for the Bill, SB 187, to-wit:

SUBSTITUTE FOR SB 187

A BILL
TO BE ENTITLED
AN ACT

To provide further a five percent salary increase and conditional salary increase of three percent for certain state employees and to provide for the proper funding therefor for the fiscal year ending September 30, 1995.

On motion of Senator Mitchell, said substitute was laid on the table.

Yeas 21 Nays 11

Yeas:

Senators:

Amari, Bailey, Bolling, Campbell, Corbett, Denton, Dixon, Escott-Russell, Figures, Ghee, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Wilson, and Windom -21

Nays:

Senators:

Barron, Bedsole, deGraffenried, Dial, Floyd, Foshee, Hale, Hill, Horn, Underwood, and Waggoner -11

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 41. RELATIVE TO MEETING DAYS.GREG PAPPAS,
Clerk.**FURTHER CONSIDERATION OF SB 187**

The Senate proceeded to further consideration of the Bill, SB 187.

Senator Little moved that the Rules be suspended and further consideration of the Bill, SB 187, be postponed temporarily.

On motion of Senator Mitchell, said motion to postpone was laid on the table.

Yeas 26 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Langford, Lindsey, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Wilson, and Windom -26

Nays:

Senators:

Horn and Little

- 2

And said Bill, SB 187, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 30 Nays 2

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Waggoner, Wilson, and Windom -30

Nays:

Senators:

Dial and Underwood

- 2

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 43. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in

**REGULAR SESSION
11th Day**

885

the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Eleventh Legislative day only.

	Page
H. 172	51
General fund budget, appropriation for ordinary expenses of executive, legislative, and judicial departments	
H. 173	4
Commission on Aging, Care Assurance System, approp.	
H. 253	40
AIDS Task Force of Alabama, Inc., approp.	
H. 176	47
Beacon House-Jasper, approp.	
S. 424	50
Birmingham Football Foundation, approp.	
H. 177	47
Children's Advocacy Centers, Inc., approp.	
H. 178	46
Coalition Against Domestic Violence, approp.	
H. 179	46
Coosa-Alabama River Improvement Association, approp.	
H. 219	40
Alabama Kidney Foundation, Inc., approp.	
H. 181	45
Lighthouse Counseling Center, approp.	
H. 208	41
Council on Child Abuse, approp.	
S. 401	50
Parkinson Association, approp.	
H. 184	45
Retired Senior Volunteer Program, approp.	

H. 185	44
Shoals Entrepreneurial Center, approp.	
H. 254	39
Travel Council, approp.	
H. 186	44
Tri-Rivers Waterway Development Authority, approp.	
H. 187	43
Warrior-Tombigbee Waterway Development Association, approp.	
H. 174	48
Alabama's Young Woman of the Year Program, approp.	
H. 175	48
America's Young Woman of the Year Program, approp.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

SPECIAL ORDER FURTHER CONSIDERATION OF HB 172

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

as amended, having been postponed on the Tenth Legislative Day, was taken up. The question was on the Horn substitute, as amended, the title of which and amendments are set out in the Journal of the Senate for the Tenth Legislative Day.

Senator Wilson offered the following amendment No. 5 to the Horn substitute, as amended, for the Bill, HB 172, to-wit:

WILSON AMENDMENT NO. 5 TO HORN SUBSTITUTE, AS AMENDED, FOR HB 172

Amend the substitute, as amended, for HB 172 as substituted on

page 61 after line 11 by adding the following:

“In addition to the above appropriation there is hereby appropriated from the State General Fund the amount of \$43,000 to be conditioned upon the availability of funds in the State General Fund upon approval of the Governor.”

Which was adopted.

Senator Dial offered the following substitute for the Horn substitute, as amended, for the Bill, HB 172, to-wit:

**DIAL SUBSTITUTE FOR HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 429. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary

of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 85. To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Also:

H. 88. Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

Also:

H. 428. Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Also:

H. 468. Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

Also:

HJR 104. DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

Also:

HJR 109. EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

Also:

HJR 110. HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

Also:

HJR 111. DESIGNATING THE WEEK OF MARCH 7, 1994, AS "NEWSPAPER IN EDUCATION WEEK" FOR THE STATE OF ALABAMA.

Also:

HJR 112. DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

GREG PAPPAS,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF HB 172

The Senate proceeded to further consideration of the Bill, HB 172. The question was on the Dial substitute for the Horn substitute, as amended.

RECESS

At 11:45 A.M., Senator Dixon moved that the Senate take a recess until 1:30 P.M.

Senator Mitchell offered a substitute motion that the Senate adjourn until Wednesday, February 16, 1994, at 10 o'clock A.M., which motion was lost.

The question recurred on the motion of Senator Dixon, that the Senate take a recess until 1:30 P.M., which motion was adopted.

The recess period having expired, at 1:30 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF HB 172

The Senate proceeded to further consideration of the Bill, HB 172. The question was on the Dial substitute for the Horn substitute, as amended.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 67 SJR 26 SJR 27 SJR 28 SJR 29 SJR 32

Delivered to the Governor, February 10, 1994, at 10:30 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 2 o'clock P.M., on motion of Senator Escott-Russell, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of the Bill, HB 172, the Senate adjourned until Wednesday, February 16, 1994, at 10 o'clock A.M.

Yeas 18 Nays 13

Yeas:

Senators:

Amari, Barron, Campbell, Corbett, Dixon, Escott-Russell, Floyd, Ghee,

REGULAR SESSION
11th Day

891

Hale, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Parsons, Smith
(J), Wilson, and Windom -18

Nays:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Dial, Figures, Foshee, Hill, Horn,
Little, Owens, Underwood, and Waggoner - 13

TWELFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 16, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by Pastor John Jones, Maranatha S.D.A. Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Jerome Harris, Prattville High School, Prattville, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom

-34

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Dixon, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Dixon, leave of absence was granted Senator Sanders for today.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Environmental Management Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 10th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Mr. Doris Hicks of Stevenson, Alabama to serve as a member of the Alabama Environmental Management Commission in the state at large position effective October 1, 1994. He will be replacing Dr. Dewey White and his term will expire September 30, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 10th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to the Alabama Environmental Management Commission.

Respectfully submitted,

DANNY HOLMES,
Appointments Secretary.

Done this 10th day of February, 1994.

To the Senate of Alabama
Alabama State House
Montgomery, AL 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Dr. John Howard Lester of Enterprise, Alabama to serve as a member of the Alabama Environmental Management Commission in the veterinarian position effective October 1, 1994. He will be replacing Dr. Margaret McDonald Vowel and his term will expire September 30, 2000.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 10th day of February, 1994.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Environmental Management Commission, was read and referred to the Standing Committee on Confirmations.

RESOLUTIONS

Senator Smith (B) offered the following Senate Joint Resolution, to-wit:

SJR 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, It is with highest commendation that the Legislature of Alabama recognizes Henry O. Everitt on the occasion of his retirement, January 31, 1994, as Deputy Division Commander for Programs and Technical Management for the U.S. Army Engineering Division, Huntsville, Alabama, a position he has held since 1990, and the only senior executive service position in the Huntsville division; and

WHEREAS, Mr. Everitt has played a major role in a number of programs and projects of national and strategic importance over his tenure at the Huntsville division; as Chief Engineering Directorate (1985-1990), his responsibilities included management of such projects as acquisition of industrial facilities for munitions production and of high-tech electronic surveillance systems, environmental pollution clean-up, and support to NASA for acquisition of the Advanced Solid Rocket Manufacturing facilities; as Chief of the Systems Engineering Division (1980-85), he was responsible for support to the Strategic Petroleum Reserve, program development, management planning, and memoranda of agreement negotiations; and as Lead Project Manager (1978-1980), he was principally responsible for CONUS-wide management for the Army Pollution Abatement Program; and

WHEREAS, prior to joining the Huntsville division in 1968, in early assignments involving facility construction for the SAFEGUARD Antiballistic Missile Defense System, Mr. Everitt, a graduate of Georgia Tech, served with Teledyne Brown Engineering, the Marshall Space Flight Center and the Army Missile Command; and

WHEREAS, Mr. Everitt, who was honored as "Distinguished President" by the Kiwanis Club of Huntsville (1980), also received the 1987 Senior Engineer of the Year Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding achievement and contributions to the U.S. Army Corps of Engineers, Huntsville Division, we hereby most highly commend Henry O. Everitt, for whom a copy of this resolution of sincere regard shall be provided.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

SJR 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Davina and Regina Hicks of Tuskegee, Alabama, who were chosen to represent Very Special Arts Alabama at the forthcoming Very Special Arts International Festival to be held May 4-8, 1994, in Brussels, Belgium; and

WHEREAS, Very Special Arts Alabama, ably directed by Dr. Mary Jean Sanspree, is a part of the Very Special Arts Program (VSAP) founded by Jean Kennedy Smith, which serves to enrich the lives of those with disabilities through the arts, and is affiliated with the John F. Kennedy Center for the Performing Arts in Washington, D. C.; and

WHEREAS, Davina and Regina Hicks, who will perform a dance routine at the event, and who are the twin daughters of Mr. and Mrs. Leo Hicks, are enrolled in the Very Special Arts Alabama Program at Tuskegee where, for the past eight years, they have studied dance under the capable guidance and instruction of Mary Jean Arrington; and

WHEREAS, Barbara Jean Danner serves as the very special coordinator of the Very Special Arts Program at Tuskegee, and under her superior leadership and direction, VSAP at Tuskegee has been represented on three separate occasions for Very Special Arts Alabama by Corrine Adams, Janice Dunsmore, and now by Davina and Regina Hicks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as Alabama's representatives at the forthcoming Very Special Arts International Festival in Brussels, we hereby most highly

commend and congratulate Davina and Regina Hicks of Tuskegee, Alabama, for whom a copy of this resolution shall be provided.

On motion of Senator Corbett, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Mitchell:

S. 503. To exempt the Pike Pioneer Museum from the payment of all state, county, and municipal sales and use taxes.

Committee on Finance
and Taxation

By Senator Corbett:

S. 504. Reopening the Employees' and Teachers' Retirement Systems to allow certain members of the systems an opportunity to purchase credit in the system for certain prior service rendered in a program in the office of a local district attorney which was financed by a federal grant and providing for a termination date.

Committee on Economic Affairs

By Senator Ghee:

S. 505. Relating to elections, to amend portions of the Fair Campaign Practices Act, Sections 17-22A-2 to 17-22A-23, inclusive, Code of Alabama 1975, including Section 17-22A-7, Code of Alabama 1975, as amended by Act 93-762, S. 27, 1993 Regular Session, to provide further for the regulation of elections and campaign practices of candidates, elected officials, political action committees and principals, corporations, professional associations, professional corporations, limited liability companies, partnerships, and individuals; to limit certain campaign contributions for each balloted election cycle; to provide for late fees for candidates failing to file certain statements or reports on time; to authorize the initiation of legal proceedings to remove certain delinquent candidates from the ballot and revoke the certificate of election from delinquent elected officials; to include municipal candidates under certain requirements of this act; to re-

quire the solicitation and acceptance of contributions to fall within certain time frames; to provide for further campaign disclosure and to prohibit the transfer of certain funds between political action committees; and to prescribe penalties for violations.

Committee on Constitution
and Elections

By Senator Parsons:

S. 506. To amend Section 36-21-2 of the Code of Alabama 1975, to provide further for the subsistence allowance of police communication officers with the Department of Public Safety, and to make an appropriation.

Committee on Finance
and Taxation

By Senator Parsons:

S. 507. To amend Section 36-21-60 and 36-21-61 of the Code of Alabama 1975, relating to the Peace Officers' Annuity and Benefit Fund, to further provide for membership on the board of commissioners, and to provide for definitions.

Committee on Governmental
Affairs/State Administration

By Senator Parsons:

S. 508. Regulating the discharge of sewage and litter from certain vessels and boats; specifying that the Department of Environmental Management is the responsible agency; regulating sanitation facilities at marinas; levying certain fees and providing for distributions; establishing a Boat and Marina Advisory Committee and a Boat and Marina Fund, and specifying their functions; providing certain civil immunity to members of the advisory committee; authorizing the filing of certain civil actions and specifying certain criminal penalties and certain fines; repealing certain conflicting laws; and specifying a prospective effective date.

Committee on Commerce,
Transportation, and Utilities

By Senator Parsons:

S. 509. To authorize the State Ethics Commission, under cer-

tain circumstances, to petition for a special prosecutor to investigate and prosecute suspected violations of Chapter 25, commencing with Section 36-25-1, Title 36, Code of Alabama 1975, (the state ethics law), including but not limited to a personal or professional relationship with the person who is the subject of the suspected violation; to authorize the presiding judge of the appropriate circuit court to appoint a special prosecutor; and to provide for the compensation and powers of the special prosecutor.

Committee on Constitution
and Elections

By Senator Parsons:

S. 510. To amend Section 32-5-76, Code of Alabama 1975, to include trash and paper in the requirements for operators of motor vehicles which haul material.

Committee on Commerce,
Transportation, and Utilities

By Senator Parsons:

S. 511. Requiring an attorney who contracts with the state for legal services to agree to be responsible for the legal defense of an indigent criminal defendant in certain instances; providing for the forfeiture of compensation; and providing for the promulgation of rules.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Lindsey:

S. 512. To amend Sections 25-4-77 and 25-4-75, of the Code of Alabama 1975, as amended by Section 1 of Act No. 93-253, S. 459, 1993 Regular Session, relating to unemployment compensation, to provide further for restrictions on extended benefits, eligibility requirements for benefits, in order to conform with federal law.

Committee on Judiciary/Civil

By Senator Smith (J):

S. 513. Proposing an amendment to the Constitution of Alabama of 1901, providing for basic rights for crime victims.

Committee on Judiciary/Criminal
Justice and Public Safety

The above Bill was read a first time at length as required by the Constitution.

By Senator Lindsey:

S. 514. To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; to repeal Section 13A-12-3, Code of Alabama 1975; and for other purposes.

Committee on Commerce,
Transportation, and Utilities

By Senator Lindsey:

S. 515. To amend Section 34-8-28, Code of Alabama 1975, to provide further for the distribution of certain licensing fees imposed on general contractors.

Committee on Judiciary/Civil

By Senators Ellis, Owens, Hale, and Escott-Russell:

S. 516. To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

Committee on Public Welfare

By Senator Figures:

S. 517. Relating to certain employee classifications and benefits of state employees employed at the Alabama State Docks Department Mobile facilities; to authorize certain defined persons who are employed under collective bargaining agreements at the Alabama State Docks of Mobile to become state employees, except the employees of the Terminal Railroad at the Alabama State Docks who are subject to the Federal Railway Labor Act and the Railroad Retirement Act; to allow employees to purchase credit under the Employees' Retirement system under certain guidelines and conditions for prior service credit with the Alabama State Docks; to require the Director of the Alabama State Docks at Mobile, the Director of the State

Personnel Department, the Commissioner of the State Insurance Board, and the Chief Executive Officer of the Employees' Retirement System of Alabama to appropriately classify certain defined employees and to expedite this act by rules and regulations which would be exempt from the Alabama Administrative Procedure Act; and to expressly prohibit certain collective or negotiated bargaining by employees electing coverage under the state merit system.

Committee on Commerce,
Transportation, and Utilities

By Senator Ellis:

S. 518. Amending Section 41-16-50, Code of Alabama 1975, to provide an exemption for counties and municipalities who procure goods and services from vendors, merchants, or contractors located in the county or municipality.

Committee on Public Welfare

By Senator Denton:

S. 519. To amend Sections 5-19A-2, 5-19A-11, 5-19A-12, and 5-19A-15, Code of Alabama 1975, relating to the licensing of pawn brokers by the State Banking Department; to further provide for the definition of supervisor; to provide for the license and application fee; to provide further for the hold of law enforcement officers on pledged or purchased goods; and to provide a recommendation for continuing education.

Committee on Governmental
Affairs/Local Government

By Senator Bolling:

S. 520. To provide further for the reimbursement of health care providers by insurance companies, and to repeal Section 27-1-17 of the Code of Alabama 1975, relating to the payment of certain health and accident insurance claims.

Committee on Banking
and Insurance

By Senator Mitchell (With Notice and Proof):

S. 521. To alter, rearrange, and extend the boundary lines and

corporate limits of the City of Ozark in Dale County.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB 521, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

REPORTS FROM CONFIRMATIONS

Senator Foshee, Chairperson of the Standing Committee on Confirmations, reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. John Howard Lester to the Alabama Environmental Management Commission

On motion of Senator Foshee, the appointment of Dr. Lester was confirmed by the Senate.

Yeas 18 Nays 0

Yeas:

Senators:

Amari, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Horn, Langford, Lindsey, Mitchell, Parsons, Underwood, and Windom -18

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Doris Hicks to the Alabama Environmental Management Commission

On motion of Senator Foshee, the appointment of Mr. Hicks was confirmed by the Senate.

Yeas 19 Nays 3

REGULAR SESSION
12th Day

903

Yeas:

Senators:

Bailey, Bolling, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Langford, Lindsey, Little, Mitchell, Owens, Smith (B), Underwood, Wilson, and Windom -19

Nays:

Senators:

Amari, Bedsole, and Hill -3

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Whit Armstrong to the Alabama Trust Fund Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Armstrong was confirmed by the Senate.

Yeas 20 Nays 0
Abstaining 1

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Foshee, Hill, Langford, Lindsey, Little, Mitchell, Owens, Parsons, Smith (B), Underwood, and Windom -20

Nays: -0

Abstaining: Senator Campbell -1

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Foster Clark to the Alabama Trust Fund Board of Trustees

On motion of Senator Foshee, the appointment of Mr. Clark was confirmed by the Senate.

Yeas 23 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, and Windom -23

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Naomi Haynes Griffith to the Alabama State Board of Human Resources

On motion of Senator Foshee, the appointment of Ms. Griffith was confirmed by the Senate.

Yeas 21 Nays 0

Yeas:

Senators:

Amari, Barron, Bolling, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Foshee, Ghee, Hill, Horn, Langford, Little, Mitchell, Mitchem, Parsons, Underwood, Waggoner, Wilson, and Windom -21

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Miriam Shehane from Montgomery, Alabama to serve as a member of the Alabama Crime Victims Compensation Commission. She will be filling the unexpired term

REGULAR SESSION
12th Day

905

of Teresa B. Petelos who has resigned, and her term will expire June 6, 1994.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

And on motion of Senator Foshee, the appointment of Ms. Shehane, as amended, was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have reappointed, subject to your confirmation, Ms. Ann W. Delchamps from Mobile, Alabama to serve as a member of the Alabama Educational Television Commission. Her term will expire November 7, 2003.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

And on motion of Senator Foshee, the appointment of Ms. Delchamps, as amended, was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Mem Webb to the Alabama Real Estate Appraisers Board

REGULAR SESSION
12th Day

907

On motion of Senator Foshee, the appointment of Mr. Webb was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. M. G. Prater to the Alabama Real Estate Appraisers Board

On motion of Senator Foshee, the appointment of Mr. Prater was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Dennis R. Greene to the Alabama Real Estate Appraisers Board

On motion of Senator Corbett, the appointment of Mr. Greene was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Rick Ingram to the Alabama Real Estate Appraisers Board

On motion of Senator Foshee, the appointment of Mr. Ingram was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. T. L. Forrest, Jr. to the Alabama Real Estate Appraisers Board

On motion of Senator Foshee, the appointment of Mr. Forrest was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon,

REGULAR SESSION
12th Day

909

Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom
-25

Nays: -0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Byron H. Andrews to the Alabama Real Estate Appraisers Board

On motion of Senator Foshee, the appointment of Mr. Andrews was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom
-25

Nays: -0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Rusty Gibson from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil

Service Board. He will be replacing Anne T. Odom and his term will expire August 30, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom

-25

Nays:

-0

And on motion of Senator Foshee, the appointment of Mr. Gibson, as amended, was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom

-25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

REGULAR SESSION
12th Day

911

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Ron Turner from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil Service Board. He will be replacing Wallace H. Lancaster and his term will expire August 30, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

On motion of Senator Foshee, the appointment of Mr. Turner, as amended, was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

SUBSTITUTE FOR GOVERNOR'S APPOINTMENT

To the Senate of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I have appointed, subject to your confirmation, Bill DeLoach from Tuscaloosa, Alabama to serve as a member of the Tuscaloosa City Civil Service Board. He will be replacing Walter B. Lawson and his term will expire August 30, 1999.

Respectfully submitted,

JIM FOLSOM,
Governor.

Done this 11th day of January, 1994.

Which was adopted.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

On motion of Senator Foshee, the appointment of Mr. DeLoach, as amended, was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Oneil Culver to the Alabama A&M University Board of Trustees

On motion of Senator Foshee, the appointment of Dr. Culver was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

Senator Foshee, Chairperson of the Standing Committee on Confirmations, then reported that said Committee, in session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert Holmes, Jr. to the Alabama A&M University Board of Trustees

On motion of Senator Horn, the appointment of Mr. Holmes was confirmed by the Senate.

Yeas 25 Nays 0

Yeas:

Senators:

Amari, Bailey, Barron, Bedsole, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

-0

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Con-

firmations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 445. To amend Section 16-5-4, Code of Alabama 1975, to remove the requirement that the Director of the Alabama Commission on Higher Education be reconfirmed by the Senate every four years.

Senator Horn, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, deGraffenried, Dial, Dixon, Windom, Ghee, Parsons, Mitchell, Lindsey, Wilson, Denton, Corbett, Smith (J), Little, Bolling, Barron, Horn, Waggoner, Langford, Bailey, Owens, Figures, Foshee, and Hale:

S. 72. To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson and McClain:

H. 244. To provide that a defendant who has been adjudged in a paternity proceeding to be the father of a child may, except in the case of adoption, reopen the case upon scientific evidence that the defendant is not the father of the child.

Senator Parsons, Chairperson of the Standing Committee on Judiciary/Civil, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report,

with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bailey (With Substitute):

S. 250. To amend Section 26-21-1, et sequel, Code of Alabama, 1975, the Parental Consent to Abortion Act, by repealing Section 26-21-3(b), the requiring of a certified mail notice to the mother of a minor who was caused to be pregnant as a result of sexual intercourse with a father or legal guardian; to amend subsection (c) by repealing the minor's verification; to require a parent's or legal guardian's signature to a consent form to be notarized or signed in the presence of the abortion provider or agent based on proper identification; to amend subsection (d) to require certain documents proving a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person coercing a minor to have an abortion performed; to provide that the State of Alabama, Department of Public Health, develop appropriate forms for the consent and emancipation requirements of Section 26-21-3; to provide a civil cause of action for the violation of the provisions of the Act.

By Senators Waggoner, Escott-Russell, Lindsey, Hill, Ghee, Smith (J), and Floyd (With Substitute):

S. 435. To amend Sections 26-17-5, 26-17-6, 26-17-10, 26-17-12, 26-17-13, and 26-17-15, Code of Alabama 1975, the Uniform Parentage Act, and to add a new code section to the Uniform Parentage Act, to provide further for the procedures for the establishment of paternity by: (1) providing for the execution of affidavits of paternity; (2) creating a presumption of paternity upon execution of voluntary affidavits; (3) providing default judgments under specific circumstances; (4) providing further for genetic testing; (5) creating a rebuttable presumption of paternity where genetic testing results indicate a certain probability of paternity; (6) providing for the admission of genetic testing results unless objections are filed under certain procedures; (7) providing for full faith and credit to other states paternity acknowledgments and orders; and (8) establishing a hospital paternity acknowledgment program.

Senator Campbell, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 9. Proposing an amendment to the Constitution of Ala-

bama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Campbell (With Notice and Proof):

H. 80. Relating to Calhoun County; providing that the Tax Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

By Rep. Dolbare (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

By Rep. Campbell (With Notice and Proof):

H. 264. Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

By Rep. Williams (With Notice and Proof):

H. 405. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

**UNFINISHED BUSINESS
BILLS ON THIRD READING**

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

as amended. The question was on the Dial substitute for the Horn substitute, as amended, the titles of which substitutes and amendments are set out in the Journal of the Senate for the Tenth and Eleventh Legislative Days.

RESOLUTION

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

SJR 46. COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Billy Rains of the Whiton community of Geraldine, Alabama, for extraordinary bravery in saving the life of another; and

WHEREAS, on August 18, 1993, Billy Rains was working on an oil platform 100 miles off the Louisiana Coast when the alarm sounded; a young crewman had been moving some grating when the material popped up, hitting him in the head and hurling him into the Gulf; and

WHEREAS, Mr. Rains, seeing the man floating face down in a pool of blood, and realizing the urgency of the situation, reacted swiftly and without regard for his own personal safety, and dove 50 feet into the waters below; and

WHEREAS, driven to make every second count, he worked fervently, with the help of fellow crewman, to pull the man to the safety of a boat landing; reaching this point of safety, they were then able to get the

man to an area where he could be lifted by crane to a higher level of the platform and transported by helicopter to a Lafayette, Louisiana hospital; and

WHEREAS, as a result of Mr. Rains quick and decisive actions, the man's prognosis for recovery is good despite critical injuries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding heroism, we hereby most highly commend Billy Rains of Geraldine, Alabama, for whom a copy of this resolution of tribute shall be provided.

On motion of Senator Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 11:35 A.M., on motion of Senator Windom, the Senate took a recess until 2 o'clock P.M.

The recess period having expired, at 2 o'clock P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

FURTHER CONSIDERATION OF HB 172

The Senate proceeded to further consideration of the Bill, HB 172. The question was on the Dial substitute for the Horn substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

SJR 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

SJR 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

Also:

SJR 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

Also:

SJR 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 42. COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

GREG PAPPAS,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term "automated teller machine" for the term "automatic unmanned cash dispensing machine"; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to

charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

GREG PAPPAS,
Clerk.

FURTHER CONSIDERATION OF HB 172

The Senate proceeded to further consideration of the Bill, HB 172. The question was on the Dial substitute for the Horn substitute, as amended.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, and finds same correctly enrolled, to-wit:

S. 293. To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term “automated teller machine” for the term “automatic unmanned cash dispensing machine”; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

DON HALE,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 31. COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

SJR 37. MOURNING THE DEATH OF JUDGE THOMAS COLEMAN OF MONTGOMERY, ALABAMA.

Also:

SJR 38. MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

Also:

SJR 39. DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN THE STATE OF ALABAMA.

Also:

SJR 40. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

SJR 42. COMMENDING VINCENT JOHN GRAFFEO OF

MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mikell (With Notice and Proof):

H. 326. Relating to Elmore County; to further provide for the extension of the corporate limits of the City of Millbrook and any municipality located entirely or partially in another county.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, HB 326, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

GREG PAPPAS,
Clerk.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 326 -to the Committee on Local Legislation No. 1

FURTHER CONSIDERATION OF HB 172

The Senate proceeded to further consideration of the Bill, HB 172. The question was on the Dial substitute for the Horn substitute, as amended.

Senator Windom moved that the Rules be suspended and further consideration of the Bill, HB 172, and pending substitutes be postponed temporarily, which motion was lost.

Yeas 6 Nays 22

Yeas:

Senators:

Amari, Corbett, Ghee, Lindsey, Lipscomb, and Windom -6

Nays:

Senators:

Bailey, Bedsole, Bolling, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hale, Hill, Horn, Little, Mitchell, Owens, Parsons, Smith (B), Smith (J), Underwood, and Waggoner -22

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SB 293 SJR 37 SJR 38 SJR 39 SJR 40 SJR 42
SJR 31

Delivered to the Governor, February 16, 1994, at 3:05 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:40 P.M., on motion of Senator Windom, pending further consideration of the Bill, HB 172, the Senate adjourned until Thursday, February 17, 1994, at 9:30 A.M.

THIRTEENTH LEGISLATIVE DAY

THURSDAY, FEBRUARY 17, 1994

The Senate met pursuant to adjournment, President Pro Tempore and Presiding Officer deGraffenried presiding.

PRAYER

The Session was opened with prayer by the Reverend Brad Page, Minister, Grace Episcopal Church, Mt. Meigs, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Thomas Windom, St. Paul's Episcopal School, Mobile, Alabama.

ROLL CALL

Present:

Senators:

Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, and Windom

-34

REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HALE,
Chairperson.

COMMITTEE REPORT

On motion of Senator Hale, the foregoing report was concurred in and approved by the Senate.

JOURNAL

And on motion of Senator Hale, the reading of the Journal of yesterday was dispensed with and same adopted by the Senate.

LEAVE OF ABSENCE

On motion of Senator Hale, leave of absence was granted Senator Wilson for today.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

SR 47. SPECIAL ORDER CALENDAR.

BE IT RESOLVED BY THE SENATE, That the following bills in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of for the Thirteenth Legislative day only immediately upon adoption of this resolution.

	Page
H. 173	49
Commission on Aging, Care Assurance System, approp.	
H. 253	40
AIDS Task Force of Alabama, Inc., approp.	
H. 176	47
Beacon House-Jasper, approp.	
S. 424	50
Birmingham Football Foundation, approp.	
H. 177	47
Children's Advocacy Centers, Inc., approp.	
H. 178	46
Coalition Against Domestic Violence, approp.	
H. 179	46
Coosa-Alabama River Improvement Association, approp.	

**REGULAR SESSION
13th Day**

927

H. 219	40
Alabama Kidney Foundation, Inc., approp.	
H. 181	45
Lighthouse Counseling Center, approp.	
H. 208	41
Council on Child Abuse, approp.	
S. 401	51
Parkinson Association, approp.	
H. 184	45
Retired Senior Volunteer Program, approp.	
H. 185	44
Shoals Entrepreneurial Center, approp.	
H. 254	39
Travel Council, approp.	
H. 186	44
Tri-Rivers Waterway Development Authority, approp.	
H. 187	43
Warrior-Tombigbee Waterway Development Association, approp.	
H. 174	48
Alabama's Young Woman of the Year Program, approp.	
H. 175	48
America's Young Woman of the Year Program, approp.	

On motion of Senator Hale, the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Senator Hale:

S. 522. To create a new district judgeship for Cullman County.

Select Committee on
Fiscal Responsibility

By Senator Foshee:

S. 523. To amend Section 37-1-18, Code of Alabama 1975, which provides for an annual appropriation from the State General Fund to the Consumer's Utility Rate Hearing Fund to be used for the presentation of the case for the consumer in utility rate increase hearings before the Public Service Commission, so as to provide for the use of the Consumer Utility Rate Hearing Fund by the Attorney General and that the fund shall be under the Office of the Attorney General.

Committee on Governmental
Affairs/State Administration

By Senators Parsons and Dixon:

S. 524. To amend Section 4-2-30, Code of Alabama 1975, to add the Director of the Alabama Ethics Commission to the Aeronautics Commission.

Committee on Governmental
Affairs/State Administration

By Senator Barron:

S. 525. To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Alabama Industrial Development Training Institute for the fiscal year ending September 30, 1994.

Committee on Finance
and Taxation

By Senator Smith (J) (With Notice and Proof):

S. 526. Relating to Madison County; creating and establishing a public agency in the City of Huntsville and Madison County to act as a clearinghouse for all activities that promote individual responsibility among youth and prohibit prospective antisocial behavior by youth.

Committee on Local
Legislation No. 1

I hereby certify that the notice and proof is attached to the Bill, SB

526, as required in the General Acts of Alabama, 1975, Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 527. To amend Section 41-9-357 of the Code of Alabama 1975, relating to the battleship fund, to authorize the commission to expend funds for the promotion of the battleship.

Committee on Finance
and Taxation

By Senator Ghee:

S. 528. To provide for verification of the age of a child prior to enrollment in kindergarten or the first grade of the public schools.

Committee on Education

By Senator Amari:

S. 529. To amend Section 8-22-16, Code of Alabama 1975, to provide that 30 percent of any penalties collected in an action to enforce the provisions of the act brought by a district attorney shall go to the office of the district attorney which brought the action.

Committee on Public Welfare

By Senator Floyd:

S. 530. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

Committee on Judiciary/Criminal
Justice and Public Safety

By Senator Horn:

S. 531. To make appropriations to certain public libraries from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 532. To make appropriations to certain public schools from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

By Senator Horn:

S. 533. To make appropriations to certain public institutions of higher education from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1995.

Committee on Finance
and Taxation

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 172. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

as amended. The question was on the Dial substitute for the Horn substitute, as amended, the titles of which substitutes and amendments are set out in the Journal of the Senate for the Tenth and Eleventh Legislative Days.

Senator Dixon moved that said Dial substitute be laid on the table, which motion was lost.

Yeas 11 Nays 14

Yeas:

Senators:

Amari, Bailey, Bedsole, Bolling, Corbett, Dixon, Escott-Russell, Hill,
Lipscomb, Little, and Underwood -11

Nays:

Senators:

Barron, Campbell, deGraffenried, Dial, Foshee, Ghee, Hale, Horn, Mitchell,
Owens, Parsons, Smith (J), Waggoner, and Windom -14

And the following Dial substitute for the Horn substitute, as amended, for HB 172, the title of which is set out in the Journal of the Senate for the Eleventh Legislative Day, was then adopted.

**DIAL SUBSTITUTE FOR HORN SUBSTITUTE,
AS AMENDED, FOR HB 172**

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1994-95 fiscal year to the state agencies indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the herein named funds be appropriated in the amounts specified to the named agencies; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries and shall be expended only for such purposes.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on bonded debt obligations of the State, and shall be expended only for such purposes.

(e) "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
2A. LEGISLATIVE:				
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:				
(a)	Legislative Support-Audit Services Program			10,651,667
	SOURCE OF FUNDS:			
	(1) State General Fund	9,951,667		
	(2) Transfer from Revenue Department		200,000	
	(3) Federal Funds		500,000	
	Total Department of Examiners of Public Accounts	9,951,667	700,000	10,651,667
2. LAW INSTITUTE, ALABAMA:				
(a)	Support of Other Educational Activities Program ..			337,603
	SOURCE OF FUNDS:			
	(1) State General Fund	337,603		
	Total Alabama Law Institute	337,603		337,603

**REGULAR SESSION
13th Day**

933

**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			288,347
(b) National Black Caucus of State Legislatures National Conference to be held in Birmingham			55,000
SOURCE OF FUNDS:			
(1) State General Fund	343,347		
Pursuant to Sections 29-6-1 et seq., Code of Alabama 1975.			
Total Legislative Council ..	343,347		343,347
4. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program			1,202,101
SOURCE OF FUNDS:			
(1) State General Fund	1,202,101		
Total Legislative Fiscal Office	1,202,101		1,202,101
5. LEGISLATIVE REFERENCE SERVICE:			
(a) Legislative Operations and Support Program			1,797,049
SOURCE OF FUNDS:			
(1) State General Fund	1,797,049		
Total Legislative Reference Service	1,797,049		1,797,049
6. LEGISLATURE:			
(a) Legislative Operations and Support Program			12,964,279
It is the intent of the Legislature that (1) at least \$30,000 shall be allocated for the Senate Finance and Taxation Committee, \$30,000 shall be allocated for the Of-			

JOURNAL OF THE SENATE, 1994
13th Day

		<u>Fund Sources Included In Appropriation Total</u>	
		<u>General Fund</u>	<u>Earmarked Funds</u>
		<u>Appropriation Total</u>	
office of the Senate Pro Tempore and \$30,000 shall be allocated for the Senate Rules Committee, (2) at least \$90,000 shall be allocated for the Ways and Means Committee, the House Rules Committee and the office of the Speaker of the House and (3) \$7,000 shall be allocated to the permanent municipal government committee as required by Sections 29-2-60 through 29-2-62, Code of Alabama 1975. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.			
(b)	Capital Outlay Program		1,500,000
	SOURCE OF FUNDS:		
	(1) State General Fund	14,464,279	
	Total Legislature	14,464,279	14,464,279

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a)	Court Operations Program		2,037,106
	SOURCE OF FUNDS:		
	(1) State General Fund	2,037,106	
	Total Court of Civil Appeals	2,037,106	2,037,106
The above appropriation to the Court of Civil Appeals includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.			

2. COURT OF CRIMINAL APPEALS:

(a)	Court Operations Program.		2,335,226
	SOURCE OF FUNDS:		
	(1) State General Fund	2,335,226	

REGULAR SESSION
13th Day

935

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Court of Criminal Appeals		2,335,226		2,335,226
3. JUDICIAL BUILDING AUTHORITY, ALABAMA:				
(a)	Administrative Support Services Program			4,147,431
	SOURCE OF FUNDS:			
	(1) Judicial Building Authority Fund, Estimated		4,147,431	
	In accordance with Sections 41-10-260 through 41-10-284, Code of Alabama 1975.			
	Total Alabama Judicial Building Authority		4,147,431	4,147,431
4. JUDICIAL INQUIRY COMMISSION:				
(a)	Administrative Services Program			118,200
	SOURCE OF FUNDS:			
	(1) State General Fund	118,200		
	Total Judicial Inquiry Commission	118,200		118,200
5. JUDICIAL RETIREMENT FUND:				
(a)	Retirement Systems Program			1,625,000
	SOURCE OF FUNDS:			
	(1) State General Fund	1,625,000		
	Total Judicial Retirement Fund	1,625,000		1,625,000
6. SUPREME COURT:				
(a)	Court Operations Program			5,080,872
	(1) State General Fund	5,080,872		
	Total Supreme Court	5,080,872		5,080,872
7. SUPREME COURT LI-				

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
BRARY:			
(a) Court Operations - Library Service Program			937,683
SOURCE OF FUNDS:			
(1) State General Fund	892,683		
(2) Departmental Receipts		45,000	
Total Supreme Court Li- brary	892,683	45,000	937,683
8. UNIFIED JUDICIAL SYS- TEM:			
(Administrative Office of Courts)			
(a) Court Operations Program			75,056,826
(b) Administrative Services Program			3,649,750
(c) DUI Referral Program			67,658
(d) Fringe Benefit Program, Estimated			545,000
(e) Court Equipment and Court Security Program			1,029,952
(f) Judicial Building Opera- tions Program			4,147,431
SOURCE OF FUNDS:			
(1) State General Fund	81,701,119		
(2) State General Fund-So- cial Security-County Judicial, Estimated	545,000		
(3) State General Fund Transfer-Juvenile Jus- tice Coordinating Council	17,105		
In accordance with Sec- tion 12-15-131, Code of Alabama 1975.....			
(4) Court Referral Officer Fund		1,597,410	
In accordance with Sec- tions 12-23-1 through 12- 23-19, Code of Ala- bama 1975.			
(5) Juvenile Justice Fund- Balance Brought For- ward		35,983	
(6) Court Automation Fund In accordance with Sec- tion 12-19-180, Code of		600,000	

	Fund Sources Included		
	<u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Alabama 1975			
Total Unified Judicial System	82,263,224	2,233,393	84,496,617
The above appropriation to the Unified Judicial System includes funding for Act 93-882 and new supernumerary positions. The above appropriation shall not be used to fund any district or circuit judgeships other than those in existence or authorized by law as of January 1, 1994.			

2C. EXECUTIVE:

**1. ACADEMY OF HONOR,
ALABAMA:**

(a) Historical Resources Management Program		2,200
SOURCE OF FUNDS:		
(1) State General Fund	2,200	
As provided in Section 41- 11-6, Code of Alabama 1975, and an additional amount.		
Total Alabama Academy of Honor	2,200	2,200

**2. ACCOUNTANCY, ALA-
BAMA STATE BOARD OF
PUBLIC:**

(a) Professional and Occupational Licensing and Regulation Program		639,712
SOURCE OF FUNDS:		
(1) Alabama State Board of Public Accountancy Fund	639,712	
As provided in Section 34-1-22, Code of Alabama 1975.		
In addition to the amounts appropriated hereinabove to the State Board of Pub-		

JOURNAL OF THE SENATE, 1994
13th Day

**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
lic Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		639,712	639,712

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program ..			517,960
SOURCE OF FUNDS:			
(1) State General Fund,			
Estimated	506,160		
For expenditures as provided in Sections 31-3-2 and 36-30-2, Code of Alabama 1975.			
(2) State General Fund-Administrative Costs ...	11,800		
As provided by Section 41-9-73, Code of Alabama 1975.			
Total Board of Adjustment	517,960		517,960

4. AERONAUTICS, DEPARTMENT OF:

(a) Aeronautical Administration Program			408,244
(b) Airport Improvement Program			566,756
To be used only as grants for federal match to airports qualifying under the FAA National Plan of Integrated Airport Systems.			
(c) Civil Air Patrol Program			46,500
SOURCE OF FUNDS:			
(1) State General Fund - Civil Air Patrol	46,500		
(2) Airport Development Fund-Aviation Fuel Tax		950,000	

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
As provided by Section 4-2-42, Code of Alabama 1975.			
(3) Airport Development Fund-Federal Funds		25,000	
Total Department of Aero- nautics	46,500	975,000	1,021,500

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program			18,035,335
(b) Economic Assistance Pro- gram			12,712,308
SOURCE OF FUNDS:			
(1) State General Fund	1,612,156		
(2) State General Fund- Medicaid Waiver	2,603,812		
(3) Federal and Local Funds		26,531,675	
Total Commission on Aging	4,215,968	26,531,675	30,747,643

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled." The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Com-

Fund Sources Included In Apropiation Total			
	General Fund	Earmarked Funds	Appropriation Total
mission on Aging and complying with all federal and state statutory and regulatory requirements. In addition to the above appropriation, there is hereby appropriated \$200,000 to the Commission on Aging from the State General Fund to be conditioned upon the availability of funds, the recommendation of the Director of Finance and the approval of the Governor.			
6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:			
(a) Water Resource Development Program			1,849,499
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,774,499		
(2) Alabama Agricultural and Conservation Development Commission Revolving Fund		75,000	
As provided in Section 9-8A-4.1, Code of Alabama 1975.			
Total Agricultural and Conservation Development Commission	1,774,499	75,000	1,849,499
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			41,235
SOURCE OF FUNDS:			
(1) State General Fund	41,235		
Total Alabama Agricultural and Industrial Exhibit Commission	41,235		41,235

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
8. AGRICULTURAL CENTER BOARD:				
(a)	Agricultural Development Services Program			1,068,444
(b)	Alabama Equine Study Program			10,000
SOURCE OF FUNDS:				
(1)	State General Fund	147,016		
	For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975 and other livestock shows and exhibits and other activities.			
(2)	State General Fund-Operations	343,379		
(3)	State General Fund-Livestock Coliseum	193,049		
(4)	State General Fund-Alabama Equine Study Program	10,000		
(5)	Livestock Coliseum Fund		385,000	
Total Agricultural Center Board		693,444	385,000	1,078,444
9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:				
(a)	Administrative Services Program			2,229,855
(b)	Agricultural Inspection Services Program			11,205,290
	Of the above appropriation, \$75,000 shall be transferred to the Alabama Aquaculture Center in Gadsden, Alabama and \$783,256 shall be earmarked for the plant protection division.			
(c)	Laboratory Analysis and Disease Control Program...			4,419,634
(d)	Agricultural Development Services Program			1,563,384
(e)	Boll Weevil Eradication			

JOURNAL OF THE SENATE, 1994
13th Day

<u>Fund Sources Included In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
Program			1,200,000
SOURCE OF FUNDS:			
(1) State General Fund	8,491,595		
(2) Federal and Local Funds		2,544,794	
(3) Shipping Point Inspec- tion Fund		4,681,774	
Pursuant to Section 2-9- 20 et seq., Code of Ala- bama 1975.			
(4) Agricultural Fund		4,900,000	
Total Department of Agri- culture and Industries	8,491,595	12,126,568	20,618,163
In addition to the above ap- propriation to the Depart- ment of Agriculture and In- dustries, there is hereby ap- propriated (1) \$200,000 for the control of hog cholera and swine diseases, (2) \$400,000 for the Boll Wee- vil Eradication Program, and (3) \$400,000 to the Alabama State Fair to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

**10. AGRICULTURAL MUSEUM
BOARD, ALABAMA:**

(a) Agricultural Promotional Program		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Alabama Agricultural Museum Board	100,000	100,000

**11. ALABAMA TRUST FUND
BOARD:**

(a) Administrative Program		29,595
SOURCE OF FUNDS:		
(1) State General Fund	29,595	
Total Alabama Trust Fund		

**REGULAR SESSION
13th Day**

943

<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds
		Appropriation Total
Board	29,595	29,595

**12. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALA-
BAMA:**

- (a) Product Management Program 30,046,221
- (b) Enforcement Program 9,962,307

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1994-95 shall not be reduced below the level of services provided in this program in fiscal year 1993-94.
- (c) Administrative Services Program 4,324,492

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Department of Public Safety of \$2,000,000, and a transfer to the State General Fund of \$7,028,368. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund 44,333,020

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

REGULAR SESSION
13th Day

945

		<u>Fund Sources Included In Appropriation Total</u>	
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
Total Alabama Alcoholic Beverage Control Board		44,333,020	44,333,020
13. ARCHITECTS, BOARD FOR REGISTRATION OF:			
(a) Professional and Occupa- tional Licensing and Regu- lation Program.....			252,500
SOURCE OF FUNDS:			
(1) Fund of the Board for Registration of Archi- tects		252,500	
As provided in Section 34-2-41, Code of Ala- bama 1975.			
Total Board for Registration of Architects		252,500	252,500
14. ARCHIVES AND HISTORY, DEPARTMENT OF:			
(a) Historical Resources Man- agement Program			2,951,181
SOURCE OF FUNDS:			
(1) State General Fund	2,701,216		
(2) Federal and Local Funds		199,965	
(3) Archives Historical Collections Fund		10,000	
In accordance with Sec- tion 41-6-71, Code of Alabama 1975.			
(4) Archives Services Fund In accordance with Sec- tion 41-6-76, Code of Alabama 1975.		40,000	
Total Department of Ar- chives and History	2,701,216	249,965	2,951,181
15. ATTORNEY GENERAL, OF- FICE OF THE:			
(a) Legal Advice and Legal Services Program			11,312,322
(b) Fair Marketing Practices Program			1,309,806

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) State General Fund	5,983,935			
(2) State General Fund - Consumer Protection ...	509,806			
(3) Federal Funds			1,299,989	
(4) Miscellaneous Receipts			4,628,398	
(5) Attorney General's Lit- igation Support Fund ...			200,000	
In accordance with Sec- tion 36-15-4.2, Code of Alabama 1975.				
Total Office of the Attor- ney General	6,493,741	6,128,387	12,622,128	
16. AUCTIONEERS, ALABAMA STATE BOARD OF:				
(a) Professional and Occupa- tional Licensing and Regu- lation Program.....				121,686
SOURCE OF FUNDS:				
(1) State Board of Auction- eers Fund			121,686	
Total Alabama State Board of Auctioneers		121,686	121,686	
17. AUDITOR, STATE:				
(a) Fiscal Management Pro- gram				685,830
SOURCE OF FUNDS:				
(1) State General Fund	685,830			
Total State Auditor	685,830			685,830
18. BANKING DEPARTMENT, STATE:				
(a) Charter, License and Regu- late Financial Institu- tions Program				4,070,465
(b) Capital Outlay Program				35,000
SOURCE OF FUNDS:				
(1) Banking Assessment Fees		3,413,140		
As provided in Section 5- 2A-20, Code of Alabama 1975.				

**REGULAR SESSION
13th Day**

947

		Fund Sources Included <u>In Appropriation Total</u>	
		General Fund	Earmarked Funds
			Appropriation Total
(2) Loan Examination Fund			692,325
As provided in Sections 5-2A-24, 5-16-38.1, and 5-18-5, Code of Alabama 1975.			
Total State Banking De- partment		4,105,465	4,105,465
19. BAR ASSOCIATION, ALA- BAMA STATE:			
(a) Professional and Occupa- tional Licensing and Regu- lation Program			2,472,152
SOURCE OF FUNDS:			
(1) State Bar Association Fund		2,175,494	
As provided in Sections 34-3-4 and 34-3-44, Code of Alabama 1975.			
(2) Federal and Local Funds		296,658	
As provided in Sections 34-3-44, 34-3-17 and 34- 3-18, Code of Alabama 1975.			
Total Alabama State Bar Association		2,472,152	2,472,152
20. BEAR CREEK DEVELOP- MENT AUTHORITY:			
(a) Water Resource Develop- ment Program			44,975
SOURCE OF FUNDS:			
(1) State General Fund		44,975	
Total Bear Creek Develop- ment Authority		44,975	44,975
21. BUILDING COMMISSION, STATE:			
(a) Special Services Program ..			1,394,514
SOURCE OF FUNDS:			
(1) State General Fund		779,514	

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(2) Miscellaneous Funds ...			615,000	
Total State Building Com- mission		779,514	615,000	1,394,514
22. BUILDING RENOVATION FINANCE AUTHORITY, ALABAMA:				
(a)	Administrative Support Ser- vices Program			8,000,825
SOURCE OF FUNDS:				
(1)	State General Fund- Transfer	1,065,506		
(2)	Departmental Receipts, Estimated		6,935,319	
Total Alabama Building Renovation Finance Au- thority.		1,065,506	6,935,319	8,000,825
23. CAHAWBA ADVISOR COM- MITTEE:				
(a)	Historical Resources Man- agement Program			19,036
SOURCE OF FUNDS:				
(1)	State General Fund	19,036		
Total Cahawba Advisory Committee		19,036		19,036
24. CHILD ABUSE AND NE- GLECT PREVENTION BOARD:				
(a)	Social Services Program In accordance with Sections 26-16-1 et seq., Code of Ala- bama 1975.			929,304
SOURCE OF FUNDS:				
(1)	State General Fund- Transfer	423,304		
(2)	Children's Trust Fund, Estimated		506,000	
Total Child Abuse and Ne- glect Prevention Board		423,304	506,000	929,304
25. CHIROPRACTIC EXAMI- NERS, ALABAMA STATE				

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
BOARD OF:			
(a)	Professional and Occupational Licensing and Regulation Program		152,000
	SOURCE OF FUNDS:		
	(1) Alabama State Board of Chiropractic Examiner's Fund	152,000	
	As provided in Section 34-24-143, Code of Alabama 1975.		
	Total Alabama State Board of Chiropractic Examiners	152,000	152,000
26. CHOCCOLOCCO CREEK WATERSHED CONSERVANCY DISTRICT:			
(a)	Water Resource Development Program		23,250
	SOURCE OF FUNDS:		
	(1) State General Fund	23,250	
	Total Choccolocco Creek Watershed Conservancy District	23,250	23,250
27. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:			
(a)	Water Resource Development Program		147,144
	SOURCE OF FUNDS:		
	(1) State General Fund	147,144	
	Total Choctawhatchee-Pea Rivers Watershed Management Authority	147,144	147,144
28. CHOCTAWHATCHEE-PEA RIVERS WATERSHED MANAGEMENT AUTHORITY:			
(a)	Water Resource Development Program		100,000
	SOURCE OF FUNDS:		

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund	100,000		
Total Choctawhatchee- Pea Rivers Watershed Man- agement Authority	100,000		100,000

The above appropriation is for an Early Warning Flood Control System and is conditioned upon receiving federal matching funds for said purpose.

29 CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program	1,821,935
(b) Outdoor Recreation Sites and Services Program	29,775,772
(c) Marine Police Program	5,042,132
(d) Wildlife Game and Fish Program	18,769,581
(e) Marine Resources Program	2,650,679
(f) Administrative Services Program	4,192,944
(g) Capital Outlay Program	1,158,000

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund- Transfer-Parks	587,047
(2) State General Fund- Transfer-Game and Fish Fund	146,931

REGULAR SESSION
13th Day

951

Fund Sources Included <u>In Appropriation Total</u>		
General Fund	Earmarked Funds	Appropriation Total
To implement the provisions of Federal Regulation 50CFR 80.4(a)(3).		
(3) Game and Fish Fund-Licenses, Fines, Fees, Interest Income and Other Departmental Receipts	13,764,650	
(4) Game and Fish Fund-Federal and Local Funds	5,878,000	
(5) State Lands Fund	1,821,935	
The funds hereinabove appropriated from the State Lands Fund include funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.		
(6) Marine Resources Fund-Licenses, Taxes, Fines and Other Departmental Receipts	1,800,679	
(7) Marine Resources Fund-Federal and Local Funds	900,000	
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island are hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.		

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(8) Marine Police Fund-Li- censes, Fines, Taxes and Other Departmental Receipts		4,330,132	
(9) Marine Police Fund- Federal and Local Funds		800,000	
(10) State Parks Fund		929,9347	
(11) Parks Revolving Fund, Estimated		24,258,791	
(12) State Parks Fund-Ciga- rette Tax		4,000,000	
(13) Administrative Funds . The funds hereinabove appropriated shall be payable as provided in Sections 9-2-1 et seq., Code of Alabama 1975.		4,192,944	
Total Department of Con- servation and Natural Re- sources	733,978	62,677,065	63,411,043

**30. CONTRACTORS, STATE LI-
CENSING BOARD FOR
GENERAL:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program		654,011
SOURCE OF FUNDS:		
(1) State Licensing Board for General Contractors Fund	654,011	
Pursuant to Section 34- 8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropri- ated such an amount as may be necessary to pay the refund of any appli- cation for license which may have been rejected by the Board or applica-		

**REGULAR SESSION
13th Day**

953

	<u>Fund Sources Included In Appropriation Total</u>		
	<u>General Fund</u>	<u>Earmarked Funds</u>	<u>Appropriation Total</u>
tion withdrawn by request of applicant.			
Total State Licensing Board for General Contractors		654,011	654,011

31. CORRECTIONS, DEPARTMENT OF:

- (a) Administrative Services and Logistical Support Program 10,241,885
- (b) Institutional Services Corrections Program 135,185,517
At least \$300,000 of the above appropriation shall be expended to upgrade equipment and the training facility at the state boot camp.
- (c) Correctional Agricultural and Industries Program 17,045,933
The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program.
- (d) Capital Outlay Program 675,000
SOURCE OF FUNDS:
(1) State General Fund 137,968,334
(2) Department of Corrections Industrial Revolving Fund 17,148,933
The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Depart-

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
ment of Corrections' operations are also hereby appropriated.				
(3) Drug Demand Reduction Fund			214,684	
In accordance with Section 13A-12-283, Code of Alabama 1975.				
(4) Federal Funds			816,384	
(5) Departmental Receipts			7,000,000	
Total Department of Corrections		137,968,334	25,180,001	163,148,335
32. COSMETOLOGY, ALABAMA BOARD OF:				
(a) Professional and Occupational Licensing and Regulation Program				640,900
SOURCE OF FUNDS:				
(1) Alabama Board of Cosmetology Fund			640,900	
As provided in Section 34-7-42, Code of Alabama 1975.				
Total Alabama Board of Cosmetology			640,900	640,900
33. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:				
(a) Professional and Occupational Licensing and Regulation Program				187,450
SOURCE OF FUNDS:				
(1) Alabama Board of Examiners in Counseling Fund			187,450	
As provided in Section 34-8A-6, Code of Alabama 1975.				
Total Alabama Board of Examiners in Counseling ..			187,450	187,450
34. CREDIT UNION ADMINISTRATION, ALABAMA:				

**REGULAR SESSION
13th Day**

955

**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
(a) Charter, License and Regulate Financial Institutions Program			643,359
SOURCE OF FUNDS:			
(1) Alabama Credit Union Administration Fund		643,359	
As provided in Section 5-17-7, Code of Alabama 1975.			
Total Alabama Credit Union Administration		643,359	643,359

**35. CRIME VICTIMS COMPENSATION COMMISSION,
ALABAMA:**

(a) Special Services Program, Estimated			1,128,100
SOURCE OF FUNDS:			
(1) Alabama Crime Victims Compensation Commission Fund, Estimated ...		1,128,100	
To be expended in accordance with Sections 15-23-1 through 15-23-23, Code of Alabama 1975.			
Total Alabama Crime Victims Compensation Commission.		1,128,100	1,128,100

**36. CRIMINAL JUSTICE INFORMATION CENTER,
ALABAMA:**

(a) Criminal Justice Information Services Program			4,391,540
SOURCE OF FUNDS:			
(1) State General Fund	2,585,865		
(2) Miscellaneous Receipts		8,000	
(3) Federal and Local Funds		1,797,675	
Total Alabama Criminal Justice Information Center	2,585,865	1,805,675	4,391,540

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
37. DEVELOPMENT OFFICE, ALABAMA:				
(a)	Promotional Development Program- Alabama Film Commission			250,551
(b)	Administrative Services Program			273,420
(c)	Industrial Development Program-Alabama Develop- ment Office			4,226,943
SOURCE OF FUNDS:				
	(1) State General Fund-Ala- bama Development Of- fice	4,126,943		
	(2) State General Fund- Office of Minority Busi- ness	171,046		
	(3) State General Fund- Small Business Office of Advocacy	102,374		
	(4) State General Fund- Alabama Film Commis- sion	250,551		
	(5) Departmental Receipts		100,000	
	Total Alabama Develop- ment Office	4,650,914	100,000	4,750,914
38. DIETETICS/NUTRITION PRACTICE, ALABAMA STATE BOARD OF EXAM- INERS FOR:				
(a)	Professional and Occupa- tional Licensing and Regu- lation Program			60,000
SOURCE OF FUNDS:				
	(1) State Board of Dietet- ics/ Nutrition Fund		60,000	
	Total Alabama State Board of Examiners for Dietetics/ Nutrition Practice		60,000	60,000
39. DISTRICT ATTORNEYS:				
(a)	Court Operations Program The proposed spending plan			14,308,902

REGULAR SESSION
13th Day

957

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
included in the above total is as follows:			
Salaries of District Attor- neys.....			3,390,692
For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Cir- cuit.....			128,097
Salaries and expenses of Su- pernumerary District Attorneys.....			1,315,025
For use in the District Attorney's Office of the fol- lowing Judicial Circuits:			
1st Judicial Circuit			
.....			123,745
2nd Judicial Circuit			
.....			143,392
3rd Judicial Circuit			
.....			229,383
4th Judicial Circuit			
.....			407,612
5th Judicial Circuit			
.....			378,493
6th Judicial Circuit			
.....			371,207
7th Judicial Circuit			
.....			236,116
8th Judicial Circuit			
.....			162,643
9th Judicial Circuit			
.....			178,968
10th Judicial Circuit			
.....			548,880
11th Judicial Circuit			
.....			117,155
12th Judicial Circuit			
.....			305,767
13th Judicial Circuit			
.....			455,236
14th Judicial Circuit			
.....			157,500
15th Judicial Circuit			
.....			474,400
16th Judicial Circuit			
.....			230,132

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
17th Judicial Circuit			
.....			149,107
18th Judicial Circuit			
.....			284,202
19th Judicial Circuit			
.....			191,896
20th Judicial Circuit			
.....			277,726
21st Judicial Circuit			
.....			182,186
22nd Judicial Circuit			
.....			205,466
23rd Judicial Circuit			
.....			407,917
24th Judicial Circuit			
.....			156,832
25th Judicial Circuit			
.....			156,119
26th Judicial Circuit			
.....			262,021
27th Judicial Circuit			
.....			177,165
28th Judicial Circuit			
.....			232,787
29th Judicial Circuit			
.....			281,665
30th Judicial Circuit			
.....			221,895
31st Judicial Circuit			
.....			130,209
32nd Judicial Circuit			
.....			198,248
33rd Judicial Circuit			
.....			143,664
34th Judicial Circuit			
.....			122,037
35th Judicial Circuit			
.....			160,687
36th Judicial Circuit			
.....			115,113
37th Judicial Circuit			
.....			212,234
38th Judicial Circuit			
.....			193,017
39th Judicial Circuit			
.....			145,890
40th Judicial Circuit			
.....			119,315

**REGULAR SESSION
13th Day**

959

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Travel Expenses of District Attorneys	60,176		
Investigators Subsistence-Section 36-21-2, Code of Alabama 1975	166,885		
SOURCE OF FUNDS:			
(1) State General Fund	14,308,902		
Total District Attorneys	14,308,902		14,308,902

**40. ECONOMIC AND COMMUNITY AFFAIRS,
ALABAMA DEPARTMENT OF:**

- (a) Administrative Support Program 7,242,148
- (b) Planning Program 51,197,636
 - Of the above appropriation, at least \$600,000 shall be spent for the Regional Planning Commissions.
- (c) Special Services Program .. 23,647,205
 - Of the above appropriation (1) \$80,000 shall be allocated to the Food Assistance Program through the Community Action Agencies of Montgomery and Elmore Counties, (2) \$300,000 shall be paid into the Teachers' Retirement System on behalf of Community Action Agency personnel, and (3) at least \$500,000 shall be distributed to community action administering agencies based on their populations below the poverty level, provided however, that not more than 10% of each agency's allocation shall be expended for administration.
- (d) Skills Enhancement and Employment Opportunities Program 59,381,450
- (e) Energy Management Program 4,341,700

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(f)	Police Services Program			4,558,424
(g)	Law Enforcement Planning and Development Program			12,660,925
(h)	Surplus Property Program .			3,468,763
(i)	Water Resources Program .			1,261,700
SOURCE OF FUNDS:				
(1)	State General Fund	9,766,247		
(2)	Federal and Local Funds		147,857,309	
(3)	Administrative Trans- fers and Other Depart- mental Receipts		6,738,657	
(4)	Administrative Trans- fers from Federal-Do- nated Surplus Property Sales		2,704,331	
(5)	Administrative Transfers from State-Owned Sur- plus Property Sales		693,407	
Total Economic and Com- munity Affairs		9,766,247	157,993,704	167,759,951
41. EDUCATION, DEPART- MENT OF:				
(a)	Rehabilitation Services Program			4,567,763
SOURCE OF FUNDS:				
(1)	State General Fund- Homebound	1,870,341		
(2)	State General Fund-Eye Injury Register	41,234		
(3)	Federal and Local Funds		2,656,188	
Total Department of Edu- cation		1,911,575	2,656,188	4,567,763
42. ELECTRICAL CONTRAC- TORS, BOARD OF:				
(a)	Professional and Occupa- tional Licensing and Regu- lation Program			96,000
SOURCE OF FUNDS:				
(1)	Alabama Board of Electrical Contractors Fund		96,000	

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
As provided in Section 34-36-17, Code of Alabama 1975.				
Total Board of Electrical Contractors			96,000	96,000
43. ELK RIVER DEVELOPMENT AGENCY:				
(a)	Water Resource Development Program			3,517
SOURCE OF FUNDS:				
	(1) State General Fund	3,517		
Total Elk River Development Agency		3,517		3,517
44. EMERGENCY MANAGEMENT AGENCY:				
(a)	Readiness and Recovery Program			10,489,880
(b)	Transfer to County Emergency Management Agencies			325,500
The above appropriation of \$325,500 is in addition to the regular allocations to county emergency management agencies.				
SOURCE OF FUNDS:				
	(1) State General Fund	1,144,081		
	(2) Federal and Local Funds		9,671,299	
Total Emergency Management Agency		1,144,081	9,671,299	10,815,380
45. ENERGY BOARD, SOUTHERN STATES:				
(a)	Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			21,511
SOURCE OF FUNDS:				
	(1) State General Fund	21,511		
Total Southern States En-				

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
ergy Board	21,511		21,511
46. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:			
(a) Professional and Occupa- tional Licensing and Regu- lation Program			669,429
SOURCE OF FUNDS:			
(1) Professional Engineers Fund		669,429	
As provided in Section 34-11-36, Code of Ala- bama 1975.			
Total State Board of Regis- tration for Professional Engineers and Land Sur- veyors		669,429	669,429
47. ENVIRONMENTAL MAN- AGEMENT, DEPARTMENT OF:			
(a) Environmental Manage- ment Program			51,467,252
Of the above appropriation the sum of \$20,000 shall be used to monitor water qual- ity of Portersville Bay. The department may not assess charges of any type to NPDES permit holders to offset the cost of monitoring.			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	4,529,054		
(2) State General Fund- Transfer to Water Pol- lution Control Author- ity	940,751		
(3) State General Fund- Transfer to Hazardous Substance Cleanup Fund	42,761		
In accordance with Sec-			

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
tions 22-30A-3 through 22-30A-11, Code of Ala- bama 1975.			
(4) Environmental Manage- ment Fines and Fees As provided in Section 22-22A-11 Code of Ala- bama 1975.		12,961,060	
(5) Federal Funds		14,602,235	
(6) Federal Match-Water Pollution Control Au- thority		11,000,000	
(7) Transfer from Under- ground and Above- ground Storage Tank Trust Fund		705,000	
As provided in Section 22-35-9, Code of Ala- bama 1975.			
(8) Underground and Aboveground Storage Tank Trust Fund		4,705,000	
As provided in Section 22-35-5, Code of Ala- bama 1975.			
(9) Environmental Educa- tion Fund		750,000	
In accordance with Sec- tion 32-6-156.1, Code of Alabama 1975.			
(10) Hazardous Substance Cleanup Fund		250,000	
In accordance with Sec- tions 22-30A-3 through 22-30A-11, Code of Ala- bama 1975.			
(11) SRF Administrative Fees		981,391	
In accordance with Sec- tion 22-34-3, Code of Alabama 1975.			
Total Department of Envi- ronmental Management	5,512,566	45,954,686	51,467,252

**48. ETHICS COMMISSION,
ALABAMA:**

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(a)	Regulation of Public Officials and Employees Program			369,070
	SOURCE OF FUNDS:			
	(1) State General Fund	369,070		
	Total Alabama Ethics Commission	369,070		369,070
49. FARMERS' MARKET AUTHORITY:				
(a)	Agricultural Development Services Program			174,474
(b)	Capital Outlay Program			443,845
	SOURCE OF FUNDS:			
	(1) State General Fund	130,039		
	(2) State General Fund-Capital Outlay	443,845		
	(3) Farmers' Market Authority Fund		44,435	
	Total Farmers' Market Authority	573,884	44,435	618,319
50. FINANCE, DEPARTMENT OF:				
(a)	Fiscal Management Program			5,239,459
(b)	Administrative Support Services Program			4,215,000
	SOURCE OF FUNDS:			
	(1) State General Fund	9,235,459		
	(2) Miscellaneous Funds ...		219,000	
	Total Department of Finance	9,235,459	219,000	9,454,459
51. FINANCE, DEPARTMENT OF - CAPITOL COMPLEX MAINTENANCE AND REPAIR:				
(a)	Administrative Support Services Program			8,051,229
	SOURCE OF FUNDS:			
	(1) Capitol Complex Revolving Fund		8,051,229	
	Total Department of Fi-			

		Fund Sources Included In Apropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
nance - Capitol Complex Maintenance and Repair ...			8,051,229	8,051,229
52. FINANCE, DEPARTMENT OF - DATA CENTER RE- VOLVING FUND:				
(a)	Administrative Support Services Program			22,040,203
SOURCE OF FUNDS:				
(1)	Data Center Revolving Fund		22,040,203	
Total Department of Fi- nance - Data Center Re- volving Fund			22,040,203	22,040,203
53. FINANCE, DEPARTMENT OF - MAIL AND SUPPLY:				
(a)	Administrative Support Services Program			7,274,648
SOURCE OF FUNDS:				
(1)	Mail and Supply Re- volving Fund		7,274,648	
Total Department of Fi- nance - Mail and Supply ...			7,274,648	7,274,648
54. FINANCE, DEPARTMENT OF - MOTOR POOL:				
(a)	Administrative Support Services Program			1,816,031
SOURCE OF FUNDS:				
(1)	Motor Pool Revolving Fund		1,816,031	
Total Department of Fi- nance - Motor Pool			1,816,031	1,816,031
55. FINANCE, DEPARTMENT OF - PRINTING AND PUB- LICATIONS:				
(a)	Administrative Support Services Program			6,148,869
SOURCE OF FUNDS:				
(1)	Printing and Publica- tions Revolving Fund ...		6,148,869	

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
Total Department of Fi- nance - Printing and Publi- cations		6,148,869	6,148,869
56. FINANCE, DEPARTMENT OF - RISK MANAGEMENT:			
(a) Administrative Support Services Program			2,122,120
SOURCE OF FUNDS:			
(1) State Insurance Fund- Administration		1,245,848	
As provided in Sections 41-15-1, et seq., Code of Alabama 1975.			
(2) General Liability Trust Fund- Administration ..		876,272	
As provided in Sections 36-1-6.1, et seq., Code of Alabama 1975.			
Total Department of Fi- nance- Risk Management ..		2,122,120	2,122,120
57. FINANCE, DEPARTMENT OF - TELEPHONE RE- VOLVING FUND:			
(a) Administrative Support Services Program			16,052,788
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	1,494,350		
(2) Telephone Revolving Fund, Estimated		14,558,438	
Total Department of Fi- nance - Telephone Re- volving Fund	1,494,350	14,558,438	16,052,788
58. FOREIGN TRADE RELA- TIONS COMMISSION:			
(a) Special Services Program ..			108,126
SOURCE OF FUNDS:			
(1) State General Fund	108,126		
Total Foreign Trade Rela- tions Commission	108,126		108,126

REGULAR SESSION
13th Day

967

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
59. FORENSIC SCIENCES, DEPARTMENT OF:				
(a)	Forensic Science Services Program			7,213,348
SOURCE OF FUNDS:				
	(1) State General Fund	6,667,552		
	(2) Federal and Local Funds		545,796	
	Total Department of Forensic Sciences	6,667,552	545,796	7,213,348
60. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:				
(a)	Professional and Occupational Licensing and Regulation Program			45,000
SOURCE OF FUNDS:				
	(1) Professional Foresters Fund		45,000	
	As provided in Section 34-12-36, Code of Alabama 1975.			
	Total Alabama State Board of Registration for Foresters		45,000	45,000
61. FORESTRY COMMISSION, ALABAMA:				
(a)	Forest Resources Protection and Development Program			24,669,966
(b)	Capital Outlay Program			519,500
SOURCE OF FUNDS:				
	(1) State General Fund-Transfer	12,607,588		
	(2) Federal and Local Funds		4,783,981	
	(3) Forestry Commission Fund		7,797,897	
	Total Alabama Forestry Commission	12,607,588	12,581,878	25,189,466

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
Of the above appropriation to the Alabama Forestry Commission, \$2,365,902 shall be used for rural and community fire protection, and \$412,348 shall be used for forestry research, marketing, management and environmental improvement grants and \$25,000 shall be expended for the Pine Beetle Project at the University of North Alabama.			

62. FOREVER WILD LAND TRUST, BOARD OF:

(a) Capital Outlay Program		2,077,665
(b) Administration Program		577,130
Of the above appropriation to the Administration Program, an amount equal to 15% of capital outlay expenditures shall be transferred to the Alabama Trust Fund Forever Wild Land Trust Stewardship Account.		
SOURCE OF FUNDS:		
(1) Forever Wild Land Trust Fund	2,654,795	
In accordance with the Constitutional Amendment No. 543 adopted pursuant to Act 91-219		
Total Board of Forever Wild Land Trust.	2,654,795	2,654,795

63. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	156,000
SOURCE OF FUNDS:	
(1) Alabama Funeral Directors and Embalmers Fund	156,000

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
As provided in Section 34-13-23, Code of Ala- bama 1975.			
Total Alabama Board of Funeral Service		156,000	156,000

64. GEOLOGICAL SURVEY:

(a) Discovery and Develop- ment of Mineral, Energy and Water Resources, Geo- logic Research and Topo- graphic Mapping Program .			3,186,173
SOURCE OF FUNDS:			
(1) State General Fund	2,113,066		
(2) Federal and Local Funds		1,073,107	
Total Geological Survey	2,113,066	1,073,107	3,186,173

**65. GORGAS MEMORIAL
BOARD:**

(a) Historical Resources Man- agement Program			4,124
SOURCE OF FUNDS:			
(1) State General Fund	4,124		
As provided in Section 41-9-220, Code of Ala- bama 1975, and an addi- tional amount.			
Total Gorgas Memorial Board	4,124		4,124

**66. GOVERNOR'S CONTINGEN-
CY FUND:**

(a) Executive Direction Pro- gram			569,100
SOURCE OF FUNDS:			
(1) State General Fund	569,100		
Total Governor's Contin- gency Fund	569,100		569,100

67. GOVERNOR'S MANSION:

- (a) Executive Direction Pro-

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
	gram			430,659
(b)	Capital Outlay Program			60,000
	SOURCE OF FUNDS:			
	(1) State General Fund	490,659		
	Total Governor's Mansion.	490,659		490,659
68. GOVERNOR'S MANSION ADVISORY BOARD:				
(a)	Historical Resources Man- agement Program			7,189
	SOURCE OF FUNDS:			
	(1) State General Fund	7,189		
	Total Governor's Mansion Advisory Board	7,189		7,189
69. GOVERNOR'S OFFICE:				
(a)	Executive Direction Pro- gram			3,218,375
	SOURCE OF FUNDS:			
	(1) State General Fund	3,218,375		
	Total Governor's Office	3,218,375		3,218,375
70. GOVERNOR'S OFFICE ON VOLUNTEERISM:				
(a)	Executive Direction Pro- gram			77,954
	SOURCE OF FUNDS:			
	(1) State General Fund	77,954		
	Total Governor's Office on Volunteerism	77,954		77,954
71. HEALTH, DEPARTMENT OF PUBLIC:				
(a)	Personal Health Services Program			123,404,435
(b)	Health Support Services Program			171,107,951
	Of the amount appropriated to support local health depart- ment services, \$5,000,000 shall be used to provide a minimum staff in each of the			

**REGULAR SESSION
13th Day**

971

		Fund Sources Included In <u>Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
67 counties and the remain- ing shall be allocated to the counties on the basis of need and a match formula to be determined by the Depart- ment.				
(c)	Administrative Services Program			15,372,227
SOURCE OF FUNDS:				
	(1) State General Fund	27,990,342		
	(2) Cigarette Tax-\$0.01 and \$0.02		1,600,000	
	As provided in Section 40-25-2 and Section 40- 25-23, Code of Alabama 1975.			
	(3) Vital Statistics Fund		3,775,785	
	(4) Hospital Licensing Fund		425,000	
	(5) Emergency Medical Services Fund		56,000	
	As provided in Section 22-18-4, Code of Ala- bama 1975.			
	(6) Local Health Depart- ments		110,840,400	
	(7) Milk Permit Fee		50,000	
	In accordance with Sec- tions 20-1-140 through 20-1-146, Code of Ala- bama 1975.			
	(8) Radiation Safety Fund .		1,745,976	
	(9) Miscellaneous Funds ...		15,485,772	
	(10) Federal Funds		35,738,665	
	(11) WIC Funds		86,192,570	
	(12) The Alabama Legacy for Environmental Re- search Trust Fund		500,000	
	As provided in Section 22-30B-19, Code of Ala- bama 1975.			
	(13) Health-Medicaid Fund.		25,484,103	
	Total Department of Pub- lic Health	27,990,342	281,894,271	309,884,613
Of the above appropriation to the Department of Public Health, at least \$2,000,000				

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
shall be spent on perinatal projects. The Department of Public Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of Public Health Department costs as a result of federal or state audit.			
72. HEALTH PLANNING AGENCY, STATE:			
(a) Health Planning Development and Regulation Program			802,199
SOURCE OF FUNDS:			
(1) State General Fund	192,199		
(2) Certificate of Need Fees		500,000	
(3) Departmental Receipts		50,000	
(4) Federal Funds.....		60,000	
Total State Health Planning Agency	192,199	610,000	802,199
73. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			48,731
SOURCE OF FUNDS:			
(1) State Board of Health - Hearing Aid Fund		48,731	
As provided in Section 34-14-33, Code of Alabama 1975.			
Total Alabama Board of Hearing Aid Dealers		48,731	48,731
74. HEATING AND AIR CONDITIONING CONTRACTORS,			

REGULAR SESSION
13th Day

973

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

BOARD OF:

- (a) Professional and Occupational Licensing and Regulation Program 339,717

SOURCE OF FUNDS:

- (1) Heating and Air Conditioning Contractors Fund
As provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975.

339,717

Total Board of Heating and Air Conditioning Contractors

339,717 339,717

75. HERITAGE TRUST FUND, ALABAMA:

- (a) Fiscal Management Program 20,000

SOURCE OF FUNDS:

- (1) Heritage Trust Income .

20,000

Total Alabama Heritage

Trust Fund

20,000 20,000

76. HISTORIC BLAKELEY AUTHORITY:

- (a) Historical Resources Management Program 350,000

SOURCE OF FUNDS:

- (1) State General Fund

350,000

Total Historic Blakeley

Authority

350,000 350,000

77. HISTORIC CHATTAHOOCHEE COMMISSION:

- (a) Historical Resources Management Program 139,035

SOURCE OF FUNDS:

- (1) State General Fund

139,035

Total Historic Chatta-

hoochee Commission

139,035 139,035

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
The funds hereby appropriated are to be expended only for grants, projects, and/or any other legal purposes in the State of Alabama. In addition to the above appropriation to the Historic Chat-tahoochee Commission there is also hereby appropriated \$50,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

78. HISTORICAL COMMISSION, ALABAMA:

(a)	Historical Resources Management Program	4,323,991
(b)	Capital Outlay Program	41,989

SOURCE OF FUNDS:

(1)	State General Fund-	
	Transfer	2,326,932
	The above appropriation shall be distributed as follows:	
	Historical Commission, Alabama	748,492
	Historical Commission, Alabama- La	
	Grange	6,529
	Historical Commission, Alabama-Magnolia	
	Grove	31,911
	Historical Commission, Alabama- Fort Mor-	
	gan	151,998
	Historical Commission, Alabama- Fort Morgan-	
	Capital Outlay	41,989
	Historical Commission, Alabama- Fort	
	Toulouse	92,620
	Historical Commission, Alabama- John T. Mor-	
	gan House,	

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
Selma 9,623			
Historical Commission, Alabama- Cahaba. 125,966			
The administrative fee charged by the Alabama Historical Commission to the Cahaba Account shall not exceed 3% of the above amount.			
Historical Commission, Alabama-Gaines- wood 62,350			
Historical Commission, Alabama-State Capi- tol 905,454			
Ft. Payne, Bridgeport and Stevenson Histor- ical Depots/Mu- seums 50,000			
Mainstreet Program			
(2) Soldiers Fund 181,413			
As provided in Section 40-8-3, Code of Alabama 1975.			
(3) Alabama State Histori- cal Preservation Fund- Departmental Receipts			
(4) Federal and Local Funds 600,000			
Total Alabama Historical Commission	2,326,932	2,039,048	4,365,980

**79. HOME BUILDERS LICEN-
SURE BOARD:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program			661,820
SOURCE OF FUNDS:			
(1) Home Builders Licen- sure Board Fund			
In accordance with Sec- tions 34-14A-1 through 34-14A-17, Code of Ala- bama 1975.		661,820	
Total Home Builders Lic-			

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Apropiation Total		
		General Fund	Earmarked Funds	Appropriation Total
ensure Board			661,820	661,820
80. HUMAN RESOURCES, DE- PARTMENT OF:				
(a)	Human Services Program .. It is the intent of the Legis- lature that allotments be made to the County Depart- ments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' popu- lations according to the 1990 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. SOURCE OF FUNDS: (1) State General Fund- Transfer (2) Federal and Local Funds (3) ABC Profits (4) Whiskey Tax (5) Beer Tax (6) Pension Residue (7) Sales Tax (8) Franchise Tax (9) Child Support Collec- tions (10) Sales Tax for Food Stamps, Estimated In accordance with Sec- tion 40-23-35, Code of Alabama 1975. (11) Cigarette Tax (12) Contractor's Gross Re- ceipts Tax	455,041,667		
		39,591,354	307,760,487	
			700,000	
			21,650,000	
			9,100,000	
			18,000,000	
			1,322,000	
			17,200,000	
			6,614,676	
			24,334,150	
			3,900,000	
			3,000,000	

**REGULAR SESSION
13th Day**

977

**Fund Sources Included
In Appropriation Total**

	General Fund	Earmarked Funds	Appropriation Total
(13) Foster Care Trust Fund		400,000	
(14) Child Support Interest and Fees		356,000	
(15) Miscellaneous Receipts		1,113,000	
Total Department of Human Resources	39,591,354	415,450,313	455,041,667

Of the above appropriation to the Department of Human Resources, at least \$1,470,000 shall be utilized to comply with the R.C. v. Hornsby consent decree. In addition to the above appropriation to the Department of Human Resources, there is also hereby appropriated an amount up to \$7,312,000 to be utilized in increasing the total AFDC benefit payments by up to 16%, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

81. INDIAN AFFAIRS COMMISSION, ALABAMA:

- (a) Social Services Program 200,000

The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	200,000	
Total Alabama Indian Affairs Commission	200,000	200,000

82. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

- (a) Industrial Development Program 300,000

SOURCE OF FUNDS:

		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
(1) SIDA Application Fees Fund		300,000	
Total State Industrial De- velopment Authority		300,000	300,000
83. INDUSTRIAL RELATIONS, DEPARTMENT OF:			
(a) Employment Security Pro- gram			47,270,051
(b) Industrial Safety and Acci- dent Prevention Program ... Of the above appropriation, at least \$117,505 shall be expended for the enforce- ment of child labor laws.			5,197,973
(c) Administrative Services Program			12,247,154
(d) Workers' Compensation Program			4,051,958
(e) Capital Outlay Program			590,000
SOURCE OF FUNDS:			
(1) State General Fund	809,804		
(2) Federal and Local Funds		68,547,332	
Total Department of Indus- trial Relations	809,804	68,547,332	69,357,136
84. INSURANCE, DEPARTMENT OF:			
(a) Regulatory Services Pro- gram			3,944,680
SOURCE OF FUNDS:			
(1) State General Fund	1,994,786		
(2) Fire Marshal's Fund As provided in Sections 34-33-11 and 8-17-211, Code of Alabama 1975.		324,890	
(3) Examination Revolving Fund		1,625,004	
Total Department of In- surance	1,994,786	1,949,894	3,944,680
85. INSURANCE BOARD, STATE EMPLOYEES':			

REGULAR SESSION
13th Day

979

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a) Administrative Support Services Program				1,019,208
SOURCE OF FUNDS:				
(1) State Employees' In- surance Board Expense Fund			1,019,208	
Total State Employees' In- surance Board			1,019,208	1,019,208
86. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:				
(a) Professional and Occupa- tional Licensing and Regu- lation Program				14,900
SOURCE OF FUNDS:				
(1) Interior Designer Fund As provided in Section 34-15A-7, Code of Ala- bama 1975.			14,900	
Total Alabama State Board of Registration for Interior Designers.			14,900	14,900
87. LABOR, DEPARTMENT OF:				
(a) Regulatory Services Pro- gram				391,867
SOURCE OF FUNDS:				
(1) State General Fund		292,763		
(2) Federal and Local Funds			99,104	
Total Department of Labor		292,763	99,104	391,867
88. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF:				
(a) Professional and Occupa- tional Licensing and Regu- lation Program				39,048
SOURCE OF FUNDS:				
(1) Landscape Architect's Fund			39,048	
As provided in Section				

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
34-17-6, Code of Ala- bama 1975.				
Total Board of Examiners of Landscape Architects			39,048	39,048
89. LIEUTENANT GOVERNOR, OFFICE OF THE:				
(a)	Legislative Operations and Support Program			556,657
SOURCE OF FUNDS:				
(1)	State General Fund	556,657		
Total Office of the Lieu- tenant Governor		556,657		556,657
90. LIQUEFIED PETROLEUM GAS BOARD:				
(a)	Regulatory Services Pro- gram			544,000
SOURCE OF FUNDS:				
(1)	Liquefied Petroleum Gas Board Fund		469,000	
(2)	Liquefied Petroleum Gas Research and Edu- cation Fund		75,000	
Total Liquefied Petroleum Gas Board			544,000	544,000
91. LIVESTOCK MARKET BOARD, ALABAMA PUB- LIC:				
(a)	Agricultural Development Service Program			6,000
SOURCE OF FUNDS:				
(1)	Alabama Public Live- stock Market Fund		6,000	
In accordance with Sec- tions 2-15-115 through 2- 15-127, Code of Ala- bama 1975.				
Total Alabama Public Live- stock Market Board			6,000	6,000
92. MANUFACTURED HOUS-				

REGULAR SESSION
13th Day

981

Fund Sources Included
In Apropriation Total

	General Fund	Earmarked Funds	Appropriation Total
ING COMMISSION, ALA- BAMA:			
(a) Regulatory Services Pro- gram			1,346,086
SOURCE OF FUNDS:			
(1) Alabama Manufactured Housing Commission Fund		1,306,086	
As provided in Section 24-6-4, Code of Alabama 1975.			
(2) Transfer from Manu- factured Homes Title Fee Receipts Levied in Section 32-8-6, Code of Alabama 1975		40,000	
Total Alabama Manufac- tured Housing Commission		1,346,086	1,346,086

**93. MEDICAID AGENCY, ALA-
BAMA:**

(a) Medical Assistance Through Medicaid Program	1,873,521,548
The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A87 and Health Care Financing Ad- ministration guidelines) for services provided. The above appropriation shall include a reimbursement of the maxi- mum amount available for rural hospitals that own and operate diploma-issuing schools of nursing that are accredited by the National League of Nursing and the Alabama Board of Nursing. Any rural hospital receiving such reimbursement shall reimburse 20% of said funds to any qualifying Hill-Burton hospital in the same county	

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
that provides support for the schools of nursing in the rural hospital.				
SOURCE OF FUNDS:				
(1) State General Fund	139,209,333			
(2) Transfer from Department of Human Resources			16,951,452	
(3) Transfer from Mental Health			50,828,288	
(4) Transfer from Commission on Aging			4,400,857	
(5) Transfer from Department of Public Health ..			7,839,272	
(6) Transfer from Department of Youth Services			189,897	
(7) Transfer from Department of Education			3,114,275	
(8) Transfer from Children's Rehabilitation Services			1,811,168	
(9) Public Hospitals Transfer			238,700,000	
(10) Departmental Receipts			6,500,000	
(11) Federal and Local Funds			1,348,507,096	
(12) Alabama Health Care Trust Fund			55,000,000	
(13) Unencumbered Balance Brought Forward			95,820	
(14) Transfer from University of Alabama in Birmingham			374,090	
Total Alabama Medicaid Agency	139,209,333	1,734,312,215	1,873,521,548	

In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation to the Alabama

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

Medicaid Agency, there is hereby conditionally appropriated \$7,790,667 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

**94. MEN'S HALL OF FAME,
ALABAMA:**

(a) Historical Resources Management Program		4,124
SOURCE OF FUNDS:		
(1) State General Fund	4,124	
Total Alabama Men's Hall of Fame	4,124	4,124

**95. MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program	114,283,746
(b) Institutional Treatment and Care-Mental Retardation Program	74,273,617
(c) Administrative Services Program	13,787,525
(d) Community Services Program	134,700,244
(1) Mental Illness Services.....64,656,117	
(2) Substance Abuse Services	21,552,039
Of the above appropriations for Mental Illness Services and Substance Abuse Services, \$50,998,010 and \$17,943,352 respectively shall be allocated by the DMH/MR to Re-	

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
gional Community Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First priority for such allocated funds shall be the development of a comprehensive array of services for seriously mentally ill, seriously emotionally disturbed, and addicted populations. Such services shall be provided by or sanctioned by said community boards according to resource allocation procedures as set forth in the Alabama Administrative Code (Section 580-1-1-.19).			
(3) Mental Retardation Services 48,492,088			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	62,921,420		
(2) Special Mental Health Trust Fund For Operations and Maintenance of the Department of Mental Health and Mental Retardation and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.		110,591,356	
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax		3,017,140	
(5) Departmental Receipts		2,036,995	
(6) Indigent Offender Alcohol/ Drug Treatment			

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
Fund		190,000	
(7) Federal and Local Funds		157,288,221	
Total Department of Mental Health and Mental Retar- dation	62,921,420	274,123,712	337,045,132

In addition to the above ap-
propriation to the Depart-
ment of Mental Health and
Mental Retardation, there is
hereby conditionally appro-
priated an amount not to ex-
ceed \$1,093,203 for capital
outlay from the Special Men-
tal Health Trust Fund to be
conditioned upon the avail-
ability of funds in the Spe-
cial Mental Health Trust
Fund, the recommendation
of the Director of Finance
and the approval of the Gov-
ernor.

96. MILITARY DEPARTMENT:

(a) Military Operations Pro- gram	5,453,482
(b) State Defense Force	10,000

SOURCE OF FUNDS:

(1) State General Fund- Operations	1,632,482	
(2) State General Fund- Quarterly Allowances Headquarters	1,500,000	
(3) State General Fund- Active Military Service	15,000	
(4) State General Fund- Transfer to Armory Commission	2,300,000	
(5) State General Fund- Dropping Allowance	3,000	
(6) State General Fund- State Defense Force	13,000	
Total Military Department	5,463,482	5,463,482

**97. MILITARY DEPARTMENT -
ARMORY COMMISSION**

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total	
		General Fund	Earmarked Funds
			Appropriation Total
OF ALABAMA:			
(a)	Military Operations Program		7,787,613
(b)	Capital Outlay Program		57,000
SOURCE OF FUNDS:			
(1)	Transfer from Military Department	2,300,000	
(2)	Federal and Local Funds	5,398,573	
(3)	Military Department Billeting Revolving Fund, Estimated	69,040	
(4)	Departmental Receipts	77,000	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund and any unobligated balance remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.			
Total Armory Commission of Alabama		7,844,613	7,844,613

98. MOTOR SPORTS HALL OF FAME:

(a)	Historical Resources Management Program	154,732
-----	---	---------

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:			
(1) State General Fund	154,732		
Total Motor Sports Hall of Fame	154,732		154,732
99. MUSIC HALL OF FAME, ALABAMA:			
(a) Fine Arts Program			220,559
SOURCE OF FUNDS:			
(1) State General Fund	220,559		
Total Alabama Music Hall of Fame	220,559		220,559
100. NURSING, ALABAMA BOARD OF:			
(a) Professional and Occupa- tional Licensing and Regu- lation Program			2,173,510
SOURCE OF FUNDS:			
(1) Alabama Board of Nursing Trust Fund		2,173,510	
As provided in Sections 34-21-1 through 34-21- 43, Code of Alabama 1975.			
Total Alabama Board of Nursing		2,173,510	2,173,510
101. NURSING HOME ADMIN- ISTRATORS, BOARD OF EXAMINERS OF:			
(a) Professional and Occupa- tional Licensing and Regu- lation Program			84,000
SOURCE OF FUNDS:			
(1) Board of Examiners of Nursing Home Admin- istrators Fund		84,000	
As provided in Section 34-20-7, Code of Ala- bama 1975.			
Total Board of Examiners of Nursing Home Admin-			

		Fund Sources Included In Aproppriation Total		
		General Fund	Earmarked Funds	Appropriation Total
istrators			84,000	84,000
102. OCCUPATIONAL THER- APY, ALABAMA STATE BOARD OF:				
(a)	Professional and Occupa- tional Licensing and Regu- lation Program			45,000
SOURCE OF FUNDS:				
(1)	Board of Occupational Therapy Fund		45,000	
As provided in Section 34-39-6, Code of Ala- bama 1975.				
Total Alabama State Board of Occupational Therapy ..			45,000	45,000
103. OIL AND GAS BOARD:				
(a)	Management and Regula- tion of Oil and Gas Explor- ation and Development Program			2,257,452
SOURCE OF FUNDS:				
(1)	State General Fund	2,087,452		
(2)	Oil and Gas Board Spe- cial Fund		150,000	
(3)	Surety Bond Deposits, Estimated		20,000	
In accordance with Sec- tion 9-17-6, Code of Ala- bama 1975.				
Total Oil and Gas Board		2,087,452	170,000	2,257,452
104. OLYMPIC COORDINATION BOARD:				
(a)	Tourism and Travel Promo- tion Program			1,250,000
SOURCE OF FUNDS:				
(1)	State General Fund	1,250,000		
Total Olympic Coordina- tion Board		1,250,000		1,250,000
105. PARDONS AND PAROLES,				

REGULAR SESSION
13th Day

989

**Fund Sources Included
In Appropriation Total**

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

BOARD OF:

(a) Administration of Pardons and Paroles Program			15,044,713
SOURCE OF FUNDS:			
(1) State General Fund	11,422,117		
(2) Probationers Upkeep Fund		3,495,796	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Local Funds		126,800	
Total Board of Pardons and Paroles	11,422,117	3,622,596	15,044,713

106. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program			418,157
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Benefit Fund		418,157	
As provided in Section 36-21-66, Code of Alabama 1975.			
Total Alabama Peace Officers' Annuity and Benefit Fund		418,157	418,157

107. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Services Program			3,891,577
SOURCE OF FUNDS:			
Transfers to the State Personnel Department shall be as follows:			
(1) Board of Public Accountancy.....		369	
(2) Department of Aeronautics		527	
(3) Commission on Aging.		2,054	
(4) Department of Agriculture and Industries ..		38,553	

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(5) Agricultural and Conservation Development Commission		53	
(6) Agricultural Center Board		1,659	
(7) Alcoholic Beverage Control Board		88,587	
(8) Board of Registration for Architects		158	
(9) Archives and History ...		5,635	
(10) State Council on the Arts		1,843	
(11) Attorney General's Office		15,695	
(12) Board of Auctioneers ...		53	
(13) State Auditor		1,633	
(14) State Banking Department		4,793	
(15) Building Commission ..		2,054	
(16) Alabama Building Renovation Finance Authority		12,746	
(17) Child Abuse and Neglect Prevention Board		421	
(18) Chiropractic Examiners		105	
(19) Choctawhatchee-Pea Rivers Watershed		53	
(20) Department of Conservation and Natural Resources		171,643	
(21) State Licensing Board for General Contractors		685	
(22) Department of Corrections		354,242	
(23) Board of Cosmetology .		1,317	
(24) Credit Union Administration		790	
(25) Alabama Crime Victims Compensation Commission		1,422	
(26) Criminal Justice Information Center		5,951	
(27) Alabama Development Office		4,951	
(28) Board of Dietetics and Nutrition		53	
(29) State Docks		35,919	
(30) Department of Eco-			

REGULAR SESSION
13th Day

991

<u>Fund Sources Included In Appropriation Total</u>		
	General Fund	Earmarked Funds
		Appropriation Total
nomic and Community Affairs		33,602
(31) Department of Educa- tion		155,738
(32) Electrical Contractors Board		53
(33) Emergency Manage- ment Agency		5,530
(34) Employees' Insurance Board		1,475
(35) Board of Registration for Professional Engi- neers and Land Sur- veyors		632
(36) Department of Environ- mental Management		46,821
(37) Ethics Commission		843
(38) Examiners of Public Accounts		24,016
(39) Farmers' Market Au- thority		211
(40) Finance Department		55,512
(41) Foreign Trade Relations Commission		105
(42) Department of Forensic Sciences		13,746
(43) Forestry Commission ...		54,564
(44) Funeral Services Board		158
(45) Governor's Office		3,739
(46) Department of Public Health		507,504
(47) State Health Planning Agency		1,738
(48) Board of Heating and Air Conditioning Con- tractors		474
(49) Alabama Historical Commission		8,953
(50) Home Builders Licen- sure Board		53
(51) Department of Human Resources		480,117
(52) Alabama Indian Affairs Commission		158
(53) Department of Industrial Relations		189,129
(54) Insurance Department..		7,268
(55) Judicial Inquiry Com-		

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds
		Appropriation Total
mission		158
(56) Department of Labor ...		737
(57) Legislative Reference Service		211
(58) Liquefied Petroleum Gas Board		895
(59) Manufactured Housing Commission		1,527
(60) Alabama Medicaid Agency		57,513
(61) Department of Mental Health and Mental Re- tardation		524,410
(62) Military Department		26,544
(63) Board of Nursing		2,791
(64) Board of Examiners of Nursing Home Admin- istrators		53
(65) Board of Occupational Therapy		53
(66) Oil and Gas Board		11,745
(67) Pardons and Paroles		39,290
(68) Peace Officers' Annu- ity and Benefit Fund ...		369
(69) Peace Officers' Stan- dards and Training Commission		421
(70) Physical Fitness Com- mission		527
(71) Board of Physical Therapy		158
(72) Plumbers and Gas Fit- ters Examiners Board ..		1,527
(73) Public Library Service .		5,530
(74) Department of Public Safety		129,351
(75) Public Service Com- mission		14,800
(76) Alabama Educational Television Commission		8,111
(77) Real Estate Appraisers Board		579
(78) Real Estate Commis- sion		2,001
(79) Retirement Systems		18,592
(80) Department of Revenue		142,940
(81) Secretary of State		4,055
(82) Securities Commission		1,949

REGULAR SESSION
13th Day

993

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(83) Board of Social Work Examiners		158	
(84) Soil and Water Conser- vation Committee		263	
(85) Surface Mining Com- mission		3,634	
(86) Bureau of Tourism and Travel		7,795	
(87) Department of Trans- portation		477,905	
(88) State Treasurer		4,793	
(89) Department of Veterans' Affairs.		6,636	
(90) Board of Veterinary Medical Examiners		158	
(91) Voter Registration		158	
(92) Department of Youth Services		46,031	
(93) Miscellaneous Receipts		1,106	
Total State Personnel De- partment		3,891,577	3,891,577

**108. PHYSICAL THERAPY,
BOARD OF:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program		150,411
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	150,411	
As provided in Section 34- 24-195, Code of Ala- bama 1975.		
Total Board of Physical Therapy	150,411	150,411

**109. PLUMBERS AND GAS FIT-
TERS EXAMINING BOARD,
ALABAMA:**

(a) Professional and Occupa- tional Licensing and Regu- lation Program		1,000,000
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners		

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Fund			1,000,000	
As provided in Section 34-37-5, Code of Ala- bama 1975.				
Total Alabama Plumbers and Gas Fitters Examining Board			1,000,000	1,000,000
110. POLYGRAPH EXAMINERS, BOARD OF:				
(a)	Professional and Occupa- tional Licensing and Regu- lation Program			15,000
	SOURCE OF FUNDS:			
	(1) Board of Polygraph Examiners Fund		15,000	
	As provided in Section 34-25-5, Code of Ala- bama 1975.			
	Total Board of Polygraph Examiners		15,000	15,000
111. PROSECUTION SERVICES, OFFICE OF:				
(a)	Prosecution, Training, Edu- cation and Management Program			1,338,728
	SOURCE OF FUNDS:			
	(1) State General Fund	216,401		
	(2) Office of Prosecution Services Fund		1,122,327	
	Total Office of Prosecution Services	216,401	1,122,327	1,338,728
112. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:				
(a)	Professional and Occupa- tional Licensing and Regu- lation Program			114,874
	SOURCE OF FUNDS:			
	(1) Board of Examiners in Psychology Fund		114,874	

REGULAR SESSION
13th Day

995

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
As provided in Section 34-26-43, Code of Ala- bama 1975.			
Total Alabama Board of Examiners in Psychology...		114,874	114,874

**113. PUBLIC SAFETY, DEPART-
MENT OF:**

(a) Police Services Program		28,824,980
(b) Public Safety Support Services Program		11,457,084
(c) Administrative Services Program		18,641,458
SOURCE OF FUNDS:		
(1) State General Fund	44,165,588	
(2) Transfer from ABC Profits		2,000,000
(3) Transfer from Public Road and Bridge Fund- Act 91-797		3,500,000
Notwithstanding the pro- visions of Act 91-797, the above transfer from the Public Road and Bridge Fund may be ex- pended for the enforce- ment of state traffic and motor vehicle laws.		
(4) Federal and Local Funds		3,588,702
(5) Automated Fingerprint Identification System Fund		827,232
In accordance with Sec- tion 32-2-61, Code of Alabama 1975.		
(6) Public Safety Law En- forcement Fund		4,000,000
In accordance with Sec- tion 32-6-5, Code of Ala- bama 1975.		
(7) Drug Offenders Rein- statement		75,000
(8) Commercial Driver's License Fee		767,000
In accordance with Sec-		

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
tion 32-5-313, Code of Alabama 1975.			
Total Department of Public Safety	44,165,588	14,757,934	58,923,522

**114. PUBLIC SERVICE COM-
MISSION:**

- | | | |
|-----|--|-----------|
| (a) | Regulatory Services Pro-
gram | 5,868,366 |
| (b) | Administrative Services
Program | 5,752,206 |

The above appropriation in-
cludes a transfer to the State
General Fund of \$1,500,000
in four equal amounts at the
end of each quarter of the
fiscal year.

SOURCE OF FUNDS:

- | | |
|---|------------|
| (1) Public Service Commis-
sion Fund | 10,888,492 |
| <p>The above appropriation
to the Alabama Public
Service Commission
shall be payable only
from inspection and su-
pervision fees paid by
utilities, radio compa-
nies and transportation
companies and such
parts or percentages of
fees and taxes paid by
motor carrier or motor
transportation compa-
nies as are now or may
be set aside by law to be
used by the Commission.
Any surplus remaining in
the Alabama Public Ser-
vice Commission Fund
at the end of the fiscal
year in excess of
\$600,000 shall be trans-
ferred to the State Gen-
eral Fund.</p> | |
| (2) Gas Pipeline Safety
Fund | 486,080 |

REGULAR SESSION
13th Day

997

		<u>Fund Sources Included In Appropriation Total</u>	
		<u>General Fund</u>	<u>Earmarked Funds</u>
		<u>Appropriation Total</u>	
(3) Departmental Receipts			6,000
(4) Federal and Local Funds			240,000
Total Public Service Com- mission		11,620,572	11,620,572
115. REAL ESTATE APPRAIS- ERS BOARD, ALABAMA:			
(a)	Professional and Occupa- tional Licensing and Regu- lation Program		417,527
SOURCE OF FUNDS:			
(1)	Real Estate Appraisers Board Fund	417,527	
In accordance with Sec- tions 34-27A-1 through 34-27A-29, Code of Ala- bama 1975.			
Total Alabama Real Estate Appraisers Board		417,527	417,527
116. REAL ESTATE COMMIS- SION, ALABAMA:			
(a)	Professional and Occupa- tional Licensing and Regu- lation Program		2,653,668
SOURCE OF FUNDS:			
(1)	Alabama Real Estate Commission Fund	2,653,668	
As provided in Section 34-27-4, Code of Ala- bama 1975, and the total expenditures shall in no manner exceed the amounts hereby appro- priated.			
Total Alabama Real Estate Commission		2,653,668	2,653,668
117. REVENUE, DEPARTMENT OF:			
(a)	State Revenue Administra- tion Program		76,242,596
The above appropriation			

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included		
	<u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
shall include a transfer to the Examiners of Public Ac- counts of \$200,000 and \$2,000,000 to the State Gen- eral Fund.			
SOURCE OF FUNDS:			
(1) State General Fund-			
Transfer	225,060		
As provided in Section 40-7-70, Code of Ala- bama 1975, to maintain a program for the equal- ization of ad valorem tax assessments.			
(2) State General Fund-			
Board of Equalization ..	90,049		
(3) Transfer from the gross proceeds of Cigarette Tax Collections		1,445,769	
As provided in Section 40-25-27, Code of Ala- bama 1975.			
(4) Transfer from the gross proceeds of Financial Institution ExciseTax Collections		374,726	
(5) Transfer from the pro- ceeds of the Forest Sev- erance Tax Collections		137,959	
(6) Transfer from the gross proceeds of Gasoline Tax Collections		6,560,416	
(7) Transfer from the In- come Tax Collections ..		22,264,883	
(8) Transfer from the gross proceeds of Motor Fuel Tax Collections		1,367,341	
(9) Transfer from the gross proceeds of Motor Ve- hicle License Collec- tions		2,964,681	
(10) Transfer from the Pen- sion Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		907,194	
(11) Transfer from the Public School Fund as part of			

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
the cost of collections of the 3-Mill Ad Valor- em Tax		2,234,943	
(12) Transfer from the gross proceeds of Sales Tax Collections		19,641,882	
(13) Transfer from the gross proceeds of the Tobacco Tax Collections		59,150	
(14) Transfer from the gross proceeds of Use Tax Collections		2,149,523	
(15) Transfer from the gross proceeds of the Utility Tax Collections		4,772,518	
(16) Transfer from the gross proceeds of Motor Ve- hicle License Collec- tions for the purchase only of Motor Vehicle License Tags		2,365,083	
(17) Inspection fees for re- stored vehicles		1,250,000	
As provided in Section 32-8-87, Code of Ala- bama 1975.			
(18) Transfer from Aban- doned Property Trust Fund		100,000	
As provided in Section 35-12-39, Code of Ala- bama 1975.			
(19) Transfer from the gross proceeds of the Pharm- aceutical Services Priv- ilege Tax Collections ...		35,324	
(20) Transfer from the gross proceeds of Nursing Fa- cility Privilege Tax Col- lections		246,095	
(21) Transfer from Under- ground/Aboveground Storage Tank Fees		150,000	
In accordance with Sec- tions 22-35-1 through 22-35-13, Code of Ala- bama 1975.			
(22) Local Funds		6,900,000	

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.			
Total Department of Revenue	315,109	75,927,487	76,242,596

118. SECRETARY OF STATE:

(a) Administrative Support Services Program			1,226,466
SOURCE OF FUNDS:			
(1) State General Fund	784,882		
(2) UCC and Farm Indexing Fund		146,584	
(3) Corporations Fund		295,000	
Total Secretary of State	784,882	441,584	1,226,466

119. SECURITIES COMMISSION:

(a) Regulatory Services Program			2,154,309
SOURCE OF FUNDS:			
(1) Sale of Checks License Fund		17,000	
(2) Securities Commission Fund		2,063,309	
(3) Industrial Revenue			

**REGULAR SESSION
13th Day**

1001

		Fund Sources Included <u>In Appropriation Total</u>	
		General Fund	Appropriation Total
Bond Notification Fund			74,000
Total Securities Commis- sion.		2,154,309	2,154,309
120. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a)	Historical Resources Man- agement Program		18,705
	To be expended in accor- dance with Section 41-9-740 et seq., Code of Alabama 1975.		
	SOURCE OF FUNDS:		
	(1) State General Fund	18,705	
	Total Alabama Senior Citi- zens Hall of Fame	18,705	18,705
121. SOCIAL WORK EXAMI- NERS, ALABAMA STATE BOARD OF:			
(a)	Professional and Occupa- tional Licensing and Regu- lation Program		110,831
	SOURCE OF FUNDS:		
	(1) Alabama State Board of Social Work Exami- ners Fund	110,831	
	As provided in Section 34-30-6, Code of Ala- bama 1975.		
	Total Alabama State Board of Social Work Examiners .	110,831	110,831
122. SOIL AND WATER CON- SERVATION COMMITTEE, STATE:			
(a)	Water Resource Develop- ment Program		1,430,805
	Of the above appropriation to the Water Resource De- velopment Program, \$46,500 shall be expended for water- shed management and		

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
\$46,500 shall be allocated to the Sand Mountain-Lake Guntersville Watershed Conservancy District.				
(b)	Professional and Occupational Licensing and Regulation Program			5,000
SOURCE OF FUNDS:				
	(1) State General Fund	1,265,805		
	(2) Soil Classifiers Fund ... As provided in Section 34-32-19, Code of Alabama 1975.		5,000	
	(3) Departmental Receipts		165,000	
	Total State Soil and Water Conservation Committee ...	1,265,805	170,000	1,435,805
123. SOUTHERN GROWTH POLICIES BOARD:				
(a)	Special Services Program ..			23,869
SOURCE OF FUNDS:				
	(1) State General Fund	23,869		
	Total Southern Growth Policies Board	23,869		23,869
124. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:				
(a)	Professional and Occupational Licensing and Regulation Program			78,490
SOURCE OF FUNDS:				
	(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund		78,490	
	As provided in Section 34-28A-44, Code of Alabama 1975.			
	Total Alabama Board of Examiners for Speech Pathology and Audiology		78,490	78,490

**REGULAR SESSION
13th Day**

1003

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
125. SPORTS HALL OF FAME, ALABAMA:				
(a)	Historical Resources Management Program			164,594
	SOURCE OF FUNDS:			
	(1) State General Fund	164,594		
	Total Alabama Sports Hall of Fame	164,594		164,594
126. SURFACE MINING COM- MISSION, ALABAMA:				
(a)	Industrial Safety and Acci- dent Prevention Program ...			5,113,536
	SOURCE OF FUNDS:			
	(1) State General Fund- Transfer	309,261		
	(2) Surface Mining Com- mission-Fees		914,638	
	(3) Federal and Local Funds		1,289,637	
	(4) Bond Forfeiture/Recla- mation Projects, Esti- mated		2,600,000	
	As provided in Section 9- 16-103, Code of Ala- bama 1975.			
	Total Alabama Surface Mining Commission	309,261	4,804,275	5,113,536
127. TANNEHILL FURNACE AND FOUNDRY COMMIS- SION:				
(a)	Historical Resources Man- agement Program			454,185
	SOURCE OF FUNDS:			
	(1) State General Fund	454,185		
	Total Tannehill Furnace and Foundry Commission ..	454,185		454,185
128. TENNESSEE-TOMBIGBEE WATERWAY DEVELOP- MENT AUTHORITY:				

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In <u>Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a)	Water Resource Development Program			83,294
	SOURCE OF FUNDS:			
	(1) State General Fund	83,294		
	Total Tennessee-Tombigbee Waterway Development Authority	83,294		83,294
129. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:				
(a)	Promotional Development Program			185,807
	To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.			
	SOURCE OF FUNDS:			
	(1) State General Fund	135,269		
	(2) Admissions and Concessions		50,538	
	Total Tennessee Valley Exhibit Commission of Alabama	135,269	50,538	185,807
	The above appropriation to the Tennessee Valley Exhibit Commission includes \$60,000 for payment of debt service on the Tennessee Valley Exhibit Commission of Alabama Project Revenue Bonds.			
130. TOURISM AND TRAVEL, BUREAU OF:				
(a)	Tourism and Travel Promotion Program			6,164,817
	Of the above appropriation, \$25,000 shall be transferred to the Emerald Triangle Commission, \$50,000 shall be transferred to the Cahaba Trace Commission, \$24,200 shall be transferred to the Tallapoosa Highland Lakes			

**REGULAR SESSION
13th Day**

1005

Fund Sources Included <u>In Appropriation Total</u>			
	General Fund	Earmarked Funds	Appropriation Total
Association and \$24,200 shall be transferred to the Mountain Lakes Tourist Association.			
SOURCE OF FUNDS:			
(1) State General Fund	1,189,086		
(2) Lodgings Tax (\$0.01)...		4,975,731	
Receipts collected under the provisions of Sections 40-26-1, et seq., Code of Alabama 1975.			
Total Bureau of Tourism and Travel	1,189,086	4,975,731	6,164,817
In addition to the above appropriation, there is also hereby appropriated \$1,000,000 to the Bureau of Tourism and Travel for the Alabama National Guard Historical Society to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.			

131. TRANSPORTATION, DEPARTMENT OF:

(a) Central Administration Program	22,099,583
(b) Division and District Supervision Program	29,257,953
(c) Operations and Support Services Program	11,491,521
(d) Maintenance Program	184,787,515
(e) Non-Programmatic Programs	22,910,665
Proposed spending plan for the above (e) includes the following:	
Debt Service	18,811,245
Equipment - Other than Automotive	4,099,420
(f) Construction-Federal Aid Program	449,643,129

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Proposed spending plan for the above (f) includes the following:				
Federal Aid				
Matching 90,570,913				
Non-Participating Work on Federal Pro-				
jects 1,000,000				
Federal Aid 358,072,216				
(g)	Construction-State Pro-			
	gram			25,246,000
(h)	Operations-Land and			
	Buildings Program			3,083,767
(i)	Captive County Health In-			
	surance Program			168,480
(j)	Transfer to Department of			
	Public Safety, in accord-			
	ance with Act91-797			3,500,000
(k)	Transfer to Amtrak			1,300,000
(l)	Transfer to Capital Outlay.			37,902
SOURCE OF FUNDS:				
(1)	State General Fund-			
	Transfer	170,000		
(2)	State General Fund-			
	Amtrak	1,300,000		
(3)	State General Fund-			
	Capital Outlay	37,902		
(4)	Public Road and Bridge			
	Fund		390,446,397	
(5)	Public Road and Bridge			
	Fund-Transfer to De-			
	partment of Public			
	Safety		3,500,000	
(6)	Federal Aid		358,072,216	
There is hereby appro-				
priated, for payment of				
the principal of and the				
interest on all bonds				
heretofore or hereafter				
issued for public high-				
ways and bridge pur-				
poses, or either, by the				
State of Alabama, Ala-				
bama Highway Author-				
ity, Alabama Federal Aid				
Highway Finance Au-				
thority, or Alabama In-				

REGULAR SESSION
13th Day

1007

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

dustrial Access Road and Bridge Corporation, a total of \$18,811,245 or so much thereof as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Director of Transportation with the consent of the Governor and the Director of Finance shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the Department of Transportation:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full,
- (2) the appropriations from the revenues accruing to the Department of Transportation that are herein made for the pur-

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

poses referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the Director of the Department of Transportation shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the Department of Transportation all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Department of Transportation

1,507,902	752,018,613	753,526,515
-----------	-------------	-------------

The General Fund Capital Outlay amount of \$37,902 shall be used to match federal funds to renovate the Little White House of the Confederacy.

132. TREASURER, STATE:

(a) Fiscal Management Program

4,742,309

REGULAR SESSION
13th Day

1009

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) State General Fund	1,640,733			
(2) Prepaid Affordable College Tuition Fund ...			3,101,576	
Total State Treasurer	1,640,733	3,101,576		4,742,309
133. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:				
(a) Special Services Program, Estimated				30,000
SOURCE OF FUNDS:				
(1) State General Fund	30,000			
As provided in Section 41-9- 374, Code of Ala- bama 1975.				
Total Alabama Commission on Uniform State Laws	30,000			30,000
134. VETERANS' AFFAIRS, DE- PARTMENT OF:				
(a) Administration of Veterans' Affairs Program				8,297,394
(b) Capital Outlay Program				3,375,210
SOURCE OF FUNDS:				
(1) State General Fund	3,079,238			
(2) Veterans Home Trust Fund-Transfer			8,593,366	
Total Department of Vet- erans' Affairs	3,079,238	8,593,366		11,672,604
135. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:				
(a) Professional and Occupa- tional Licensing and Regu- lation Program.				180,000
SOURCE OF FUNDS:				
(1) State Board of Veteri- nary Medical Exami- ners Fund			180,000	
As provided in Section 34-29- 70, Code of Ala- bama 1975.				

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Total Alabama State Board of Veterinary Medical Ex- aminers			180,000	180,000
136. VOTER REGISTRATION IDENTIFICATION PRO- GRAM:				
(a)	Special Services Program ..			353,441
SOURCE OF FUNDS:				
	(1) State General Fund	353,441		
Total Voter Registration Identification Program		353,441		353,441
137. WOMEN'S COMMISSION, ALABAMA:				
(a)	Employment and Social Opportunities Program			10,308
SOURCE OF FUNDS:				
	(1) State General Fund	10,308		
Total Alabama Women's Commission		10,308		10,308
138. WOMEN'S HALL OF FAME, ALABAMA:				
(a)	Historical Resources Man- agement Program			4,490
SOURCE OF FUNDS:				
	(1) State General Fund	4,490		
Total Alabama Women's Hall of Fame		4,490		4,490
139. YOUTH SERVICES, DE- PARTMENT OF:				
(a)	Youth Services Program			6,775,426
The above appropriation shall be expended in accor- dance with the provisions of Sections 44-1-1 through 44- 1-56, Code of Alabama 1975.				
SOURCE OF FUNDS:				
	(1) State General Fund-			

REGULAR SESSION
13th Day

1011

		Fund Sources Included In Appropriation Total	
	General Fund	Earmarked Funds	Appropriation Total
Community Subsidy	3,229,108		
(2) State General Fund- Juvenile Probation Of- ficers Subsidy	3,546,318		
Total Department of Youth Services.	6,775,426		6,775,426
2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENER- AL FUND:			
1. ARREST OF ABSCONDING FELONS:			
(a) Criminal Investigation Pro- gram, Estimated			60,450
SOURCE OF FUNDS:			
(1) State General Fund	60,450		
As provided in Section 15-9-1 and 15-9-3, Code of Alabama 1975.			
Total Arrest of Absconding Felons	60,450		60,450
2. AUTOMATIC APPEAL EX- PENSE:			
(a) Legal Advice and Legal Services Program, Esti- mated			82
SOURCE OF FUNDS:			
(1) State General Fund	82		
As provided in Section 12-22- 150 and 12-22- 241, Code of Alabama 1975.			
Total Automatic Appeal Expense	82		82
3. BUSKEY PENNY TRUST FUND:			
(a) Special Services Program, Estimated			30,000
SOURCE OF FUNDS:			

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund- Transfer		30,000		
In accordance with Sec- tions 41-15A-10 through 41-15A-12, Code of Ala- bama 1975.				
Total Buskey Penny Trust Fund		30,000		30,000
4. CONSUMER UTILIT RATE HEARING:				
(a) Executive Direction Pro- gram				186,000
SOURCE OF FUNDS:				
(1) State General Fund		186,000		
As provided in Section 37-1-18, Code of Ala- bama 1975.				
Total Consumer Utility Rate Hearing		186,000		186,000
5. COURT ASSESSED COSTS NOT PROVIDED FOR:				
(a) Special Services Program, Estimated.				2,000,000
As provided in Sections 22- 52-14, 30-4-96, 26-17-17, 22-11A-1 through 22-11A- 41, 12-15-71 and 12-21-131, Code of Alabama 1975.				
(b) Legal Advice and Legal Services Program				279,000
It is the intent of the Legis- lature that the appropriation in this subsection be ex- pended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements and other ex- penses ordered by the court or normally identified as costs of court, when any of the above is approved by the				

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Attorney General.				
(c)	Automatic Appeal Cases Expense Program			37,486
The above appropriation shall be used to reimburse reasonable expenses incurred by attorneys representing defendants under sentence of death in state collateral proceedings, such as those under Rule 32 of the Rules of Criminal Procedure. Provided, in no case may any amount be paid unless the court determines by written order in advance that the cost is both necessary and reasonable; in no single case may the total amount paid for all costs exceed \$5,000; and in no event may any amount be paid out of this appropriation as fees to any attorney for services, or to compensate any attorney for time either as an attorney in the proceeding or as a witness.				
SOURCE OF FUNDS:				
(1) State General Fund, Estimated		2,000,000		
(2) State General Fund		279,000		
(3) State General Fund-Automatic Appeal Cases ..		37,486		
Total Court Assessed Costs Not Provided For		2,316,486		2,316,486
COURT COSTS-ACT NO 558, 1957:				
(a)	Court Operations Program, Estimated			372
SOURCE OF FUNDS:				
(1) State General Fund		372		
Pursuant to Act No. 558, 1957, Page 777.				
Total Court Costs-Act No. 558, 1957		372		372

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
7. DISTRIBUTION OF PUBLIC DOCUMENTS:				
(a)	Administrative Support Services Program, Estimated			65,976
	SOURCE OF FUNDS:			
	(1) State General Fund	65,976		
	As provided in Sections 36-14-1, 36-14-11, 17-22A-11 and 41-21-8, Code of Alabama 1975.			
	Total Distribution of Public Documents	65,976		65,976
8. STATE DOCKS TRANSFER:				
				3,500,000
	SOURCE OF FUNDS:			
	(1) State General Fund	3,500,000		
	The above appropriation to the State Docks shall be conditioned upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Director of Finance and approved by the Governor.			
	Total State Docks Transfer	3,500,000		3,500,000
9. ELECTION EXPENSES:				
(a)	Special Services Program, Estimated			3,720,000
(b)	Training of Election Officials			72,694
	For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.			
	SOURCE OF FUNDS:			

	Fund Sources Included <u>In Appropriation Total</u>		
	General Fund	Earmarked Funds	Appropriation Total
(1) State General Fund	3,720,000		
As provided in Section 17-21-6, Code of Ala- bama 1975.			
(2) State General Fund	72,694		
Total Election Expenses	3,792,694		3,792,694

**10. EMERGENCY FUND, DE-
PARTMENTAL:**

(a) Special Services Program .. 3,292,815
SOURCE OF FUNDS:

(1) State General Fund 3,292,815

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office or agency. None of the above appropriation shall be transferred to the Governor's Contingency Fund. At least 10 days prior to the release of any of this appropriation to any state department, board, commission, bureau, office or agency, the Director of Finance shall notify the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Committee on Ways and Means of such pending transfer.

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
Total Departmental Emer- gency Fund		3,292,815		3,292,815
11. FAIR TRIAL TAX TRANS- FER:				
(a)	Court Operations Program, Estimated			3,500,000
SOURCE OF FUNDS:				
(1)	State General Fund- Transfer	3,500,000		
Total Fair Trial Tax Trans- fer		3,500,000		3,500,000
12. FEEDING OF PRISONERS:				
(a)	Institutional Services-Corr- rections Program, Esti- mated			4,200,000
SOURCE OF FUNDS:				
(1)	State General Fund For expenses of feeding prisoners in county jails in accordance with Sec- tion 14-6-42, Code of Alabama 1975.	4,200,000		
Total Feeding of Prisoners		4,200,000		4,200,000
13. FINANCE-CMIA, DEPART- MENT OF:				
(a)	Fiscal Management Pro- gram, Estimated			300,000
SOURCE OF FUNDS:				
(1)	State General Fund To implement the provi- sions of the Cash Man- agement Improvement Act of 1990, Public Law 101-453 and the govern- ing Federal regulations in 31 CFR Part 205. Any payments owed by the Department of Transpor- tation to the federal gov- ernment shall not be paid from this appropriation.	300,000		

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Department of Fi- nance-CMIA		300,000		300,000
14. FINANCE, DEPARTMENT OF - EMPLOYEES' SUG- GESTION AWARDS PRO- GRAM:				
(a)	Fiscal Management Pro- gram			8,247
SOURCE OF FUNDS:				
(1)	State General Fund	8,247		
In accordance with Sec- tion 36-1-7, Code of Ala- bama 1975.				
Total Department of Fi- nance - Employees' Sug- gestion Awards Program		8,247		8,247
15. FINANCE-FEMA, DEPART- MENT OF:				
(a)	Readiness and Recovery Program, Estimated			93,000
Payments of the State's share of administrative costs and matching grants fur- nished by the Federal Emer- gency Management Agency.				
SOURCE OF FUNDS:				
(1)	State General Fund	93,000		
Total Department of Fi- nance-FEMA		93,000		93,000
The above appropriation to the Department of Finance- FEMA from the State Gen- eral Fund is conditioned upon the declaration of a natural disaster area by the President of the United States and conditioned fur- ther upon the requirement by the Federal Management Agency of the State of Ala- bama to pay a state match for FEMA grants.				

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
16. FOREST FIRE FUND, EMERGENCY:				
(a)	Forest Resources Protec- tion and Development Pro- gram			180,000
SOURCE OF FUNDS:				
(1)	State General Fund-			
	Transfer	180,000		
	The appropriation to the Emergency Forest Fire Fund shall be conditional as provided by Section 9- 3-10.1, Code of Alabama 1975 and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Di- rector of Finance and approved by the Gover- nor.			
	Total Emergency Forest Fire Fund	180,000		180,000
17. GOVERNOR'S CONFER- ENCE, NATIONAL:				
(a)	Executive Direction Pro- gram, Estimated			173,602
SOURCE OF FUNDS:				
(1)	State General Fund	173,602		
	Total National Governor's Conference	173,602		173,602
18. GOVERNOR'S PROCLA- MATION EXPENSES:				
(a)	Executive Direction Pro- gram, Estimated			186,000
SOURCE OF FUNDS:				
(1)	State General Fund	186,000		
	As provided in Section 17-14-21, Code of Ala- bama 1975.			
	Total Governor's Procla-			

**REGULAR SESSION
13th Day**

1019

		Fund Sources Included <u>In Appropriation Total</u>	
	General Fund	Earmarked Funds	Appropriation Total
mation Expenses	186,000		186,000
19. LAW ENFORCEMENT FUND:			
(a) Criminal Investigation Program, Estimated			37,200
SOURCE OF FUNDS:			
(1) State General Fund	37,200		
As provided in Sections 28-4- 311 and 28-4-312, Code of Alabama 1975.			
Total Law Enforcement Fund	37,200		37,200
20. LAW ENFORCEMENT LE- GAL DEFENSE:			
(a) Legal Advice and Legal Services Program, Esti- mated			2,325
SOURCE OF FUNDS:			
(1) State General Fund	2,325		
To carry out provisions of Section 36-21-1, Code of Alabama 1975.			
Total Law Enforcement Legal Defense	2,325		2,325
21. MILITARY - EMERGENCY ACTIVE DUTY PAY:			
(a) Military Operations Pro- gram, Estimated			186,000
SOURCE OF FUNDS:			
(1) State General Fund	186,000		
As provided in Section 31-2-133, Code of Ala- bama 1975.			
Total Military - Emergency Active Duty Pay	186,000		186,000
22. PRINTING OF CODE SUP- PLEMENTS - LEGISLA- TIVE REFERENCE SER- VICE:			

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
(a) Legislative Operations and Support Program, Estimated				395,250
SOURCE OF FUNDS:				
(1) State General Fund		395,250		
As provided in Section 29-7-6, Code of Alabama 1975.				
Total Printing of Code Supplements - Legislative Reference Service		395,250		395,250
23. PRINTING CODES AND SUPPLEMENTS - SECRETARY OF STATE:				
(a) Administrative Support Services Program, Estimated				504,355
SOURCE OF FUNDS:				
(1) State General Fund		504,355		
As provided in Sections 41- 21-1 through 41-21-8 and 41-4-154, Code of Alabama 1975.				
Total Printing Codes and Supplements - Secretary of State		504,355		504,355
24. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:				
(a) Administrative Support Services Program, Estimated				728,190
SOURCE OF FUNDS:				
(1) State General Fund		728,190		
As provided in Sections 41- 4-130 through 41-4-161, Code of Alabama 1975.				
Total Printing of Legislative Acts and Journals		728,190		728,190
25. REGISTRATION OF VOTERS:				

REGULAR SESSION
13th Day

1021

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
(a)	Special Services Program, Estimated			2,000,000
	SOURCE OF FUNDS:			
	(1) State General Fund	2,000,000		
	In accordance with Sec- tions 17-4-126 and 17-4- 153, Code of Alabama 1975.			
	Total Registration of Vo- ters	2,000,000		2,000,000

26. REMOVAL OF PRISONERS:

(a)	Administrative Services and Logistical Support Pro- gram, Estimated			465,000
	SOURCE OF FUNDS:			
	(1) State General Fund	465,000		
	As provided in Sections 15-10-70 through 15-10- 73, 15-9-62, 15-9-65 and 15-9-81, Code of Ala- bama 1975.			
	Total Removal of Priso- ners	465,000		465,000

**27. STATE GENERAL FUND,
ESTIMATED:**

55,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Esti- mated	55,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropri- ated herein.		
Total State General Fund, Estimated	55,000,000	55,000,000

**2E. DEBT SERVICE FUNDED
FROM THE STATE GEN-
ERAL FUND:**

1. General Obligation Capital

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Improvement Bonds, Series B, Estimated				1,442,500
SOURCE OF FUNDS:				
(1) State General Fund, Estimated		1,442,500		
Total General Obligation Capital Improvement Bonds, Series B, Estimated		1,442,500		1,442,500
2. General Obligation Waterway Refunding Bonds, Series 1992, Estimated				2,914,477
SOURCE OF FUNDS:				
(1) State General Fund, Estimated		2,914,477		
Total General Obligation Waterway Refunding Bonds, Series 1992, Estimated		2,914,477		2,914,477
3. General Obligation Docks Facilities Bonds, Series C, Estimated				1,536,750
SOURCE OF FUNDS:				
(1) State General Fund, Estimated		1,536,750		
Total General Obligation Docks Facilities Bonds, Series C, Estimated		1,536,750		1,536,750
4. Music Hall of Fame Bonds, Estimated				349,245
SOURCE OF FUNDS:				
(1) State General Fund, Estimated		349,245		
Pursuant to Constitutional Amendment No. 489 as provided in Act 88-549, 1988 Regular Session.				
Total Music Hall of Fame Bonds, Estimated		349,245		349,245
5. Corrections Institutions Bonds, Estimated				1,399,000

		Fund Sources Included In Appropriation Total		
		General Fund	Earmarked Funds	Appropriation Total
SOURCE OF FUNDS:				
(1) State General Fund, Estimated	1,399,000			
Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.				
Total Corrections Institutions Bonds, Estimated	1,399,000			1,399,000
6. General Obligation Capital Bonds, 1990 Series, Estimated .				1,924,605
SOURCE OF FUNDS:				
(1) State General Fund, Estimated	1,924,605			
Pursuant to Constitutional Amendment No. 510 as provided for in Act 89-799, 1989 Regular Session.				
Total General Obligation Capital Bonds, 1990 Series, Estimated	1,924,605			1,924,605
7. General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993 Estimated				53,562,852
SOURCE OF FUNDS:				
(1) State General Fund, Estimated	53,562,852			
Total General Obligation Refunding Bonds, 1992, Series A and B, and Refunding Bonds, Series 1993, Estimated	53,562,852			53,562,852

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as pro-

vided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 396 (formerly Account No. 305735) by Act 87-761, Act 88-947, Act 89-79, Act 90-556 and Act 91-572 are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation, other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse no later than September 30 of the fiscal year

immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or earmarked fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions and agencies include the amounts necessary and said departments, boards, offices, commissions and agencies are hereby directed to make the transfer of funds to the State Personnel Department in said amounts enumerated in this Act. All agencies enumerated in this Act and receiving services from other governmental agencies enumerated in this Act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 9. (a) Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education, the Department of Transportation, postsecondary institutions of education and the legislative branch of government) shall not be expended for the purchase or lease of automotive vehicles. Notwithstanding the foregoing, the Department of Public Safety may purchase automotive vehicles to be used for direct law enforcement purposes only. The Department of Public Safety may not transfer automotive vehicles from law enforcement personnel nor vehicles designated for law enforcement purposes to other personnel in that department nor shall vehicles be transferred to be used for any other purpose in that department nor transferred to any other state agency. A state agency may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this Act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

SECTION 10. Any amendments added to this bill on the Senate floor that adds appropriations shall identify the source of those funds necessary to fund the additional appropriations.

SECTION 11. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 12. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 13. Each agency of the State funded through the provisions of this Act shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 14. This Act shall become effective October 1, 1994.

Senator Corbett offered the following amendment to the Horn substitute, as amended by the Dial substitute, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, for HB 172, on page 49, after line 29 by inserting the following:

“(b) Capital Outlay - Ancient Indian Grounds as designated by the Indian Affairs Commmission 150,000”

Further amend on page 49, lines 31 and 33 by deleting the figure “200,000” and inserting in lieu thereof the figure:

“350,000”

Which was adopted.

Senator Corbett then offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**CORBETT AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as

High School Varsity Cheerleaders, a group of young people of whom we are justly proud, and do further direct that a copy of this resolution be forwarded to principal K. C. Thomaskutty, for appropriate presentation and school display.

On motion of Senator Campbell, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Smith (J), Chairperson of the Standing Committee on Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Hale, Mitchem, Foshee, Barron, Bolling, Owens, Floyd, Horn, Amari, Lindsey, Bedsole, Mitchell, Denton, Waggoner, Parsons, Dial, Ghee, Windom, Bailey, Langford, and Dixon:

S. 481. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

Senator Denton, Chairperson of the Standing Committee on Governmental Affairs/Local Government, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 519. To amend Sections 5-19A-2, 5-19A-11, 5-19A-12, and 5-19A-15, Code of Alabama 1975, relating to the licensing of pawn brokers by the State Banking Department; to further provide for the definition of supervisor; to provide for the license and application fee; to provide further for the hold of law enforcement officers on pledged or purchased goods; and to provide a recommendation for continuing education.

By Rep. Page:

H. 249. Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form

members of the Alabama Legislature who have relied heavily upon his advice and counsel for more than three decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the State of Alabama and all citizens thereof, we hereby most highly commend Charles C. Rowe, whom we hold in warmest personal regard, and to whom a copy of this resolution of sincere tribute shall be presented.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Campbell offered the following Senate Joint Resolution, to-wit:

SJR 49. COMMENDING THE 1993-94 EAST LAWRENCE HIGH SCHOOL VARSITY CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere pride and pleasure that the Alabama Legislature recognizes the East Lawrence High School Varsity Cheerleaders for their many outstanding achievements; and

WHEREAS, ably instructed by Coach Charlotte Allen, members of the 1993-94 varsity team are Melinda Dunlap, Brad Long, Misty Witt, Kristina Shelton, Bridget Carraway, Kelly Dutton, Pam Micklow, Bridget Sneed, Brandi Wade, Monica Witt, and Allison Delashaw; and

WHEREAS, over the 1993-94 school year, this talented group of young people have served as worthy representatives for their school, community, and state, and have received a number of honors and awards including the 1993-94 3A-4A State Cheerleading Championship, and 6th place in the nation at the National Cheerleading Association competition; and

WHEREAS, also from among these, Brad Long finished among the top 15 in the nation for the Best Cheerleader Competition; Brad Long and Melinda Dunlap received the All-Star Cheerleader Award; Brad Long, Kristina Shelton and Pam Micklow were selected as All-American Cheerleaders for 1993-94 by NCA; and Brad Long, Brandi Wade, Bridget Carraway, and Kelly Dutton were All-Americans for 92-93; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the East Lawrence

RESOLUTIONS

Senators deGraffenried, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (B), Smith (J), Underwood, Waggoner, Wilson, and Windom offered the following Senate Joint Resolution, to-wit:

SJR 48. COMMENDING CHARLES C. ROWE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, with the March 1, 1994, retirement of Charles C. Rowe as Assistant Finance Director for Fiscal Affairs and State Budget Officer, the State of Alabama has suffered the loss of a dedicated and valued public official whose longtime career in fiscal management is widely acknowledged as superior in every respect; and

WHEREAS, a native of Boaz, Alabama, Mr. Rowe is a graduate of Macon County High School, received his B.S. degree from Auburn University, and was awarded the LL.D. degree by Livingston University; he is a United States Army veteran with three years of active duty from 1957 to 1960, received a direct commission as a Captain in the Air National Guard in 1966, and is retired with 21 years of continuous service; and

WHEREAS, in the course of Mr. Rowe's outstanding career in public fiscal management, he has held the highly responsible positions of Assistant State Budget Officer with the Finance Department from 1960 to 1971, Vice President for Business Affairs at Jacksonville State University from 1971 to 1988, and then most ably served in the positions he held at retirement; and

WHEREAS, also, during this period, he performed such additional duty assignments as Assistant Finance Director (1980-1981), Special Assistant to the State Finance Director and Legislative Liaison in 1983, and from 1983 to 1987, as State Budget Officer; moreover, while on active military duty and as a member of the Guard, his duty assignments included budget analysis, public information, and data processing, as well as other assignments in the area of finance; and

WHEREAS, Charles C. Rowe, over the years, has earned the respect and highest regard of his peers and associates throughout state government, and also the gratitude of the people of Alabama, in whose best interests he has always served; he is a man of unquestionable honesty, a man whose character is beyond reproach, and a true friend to the many

Senator Dial moved that the Senate reconsider the vote by which the Bill, HB 172, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RECESS

At 11:40 A.M., on motion of Senator Dial, the Senate took a recess until the completion of the Joint Session.

JOINT SESSION

At 1:30 P.M., in accordance with House Joint Resolution 37 heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the address of Auburn University Head Coach Terry Bowden.

The Session was called to order by the Honorable Ryan deGraffenried, President Pro Tempore and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, after an introduction by his father, Coach Bobby Bowden, Coach Bowden was escorted to the Chair and delivered his address to the Legislature of Alabama.

The recess period having expired, at 2:15 P.M., the Senate was called to order by President Pro Tempore and Presiding Officer deGraffenried. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

SJR 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

GREG PAPPAS,
Clerk.

Further amend on page 10, line 6 by deleting the figure "1,612,156" and inserting in lieu thereof the figure:

"1,912,156"

Further amend on page 10, line 10 by deleting the figures "4,215,968 and "30,747,643" and inserting in lieu thereof the figures:

"4,515,968" and "31,047,643" respectively;

Further amend on page 90, lines 5, 7 and 8 by striking the figure "3,500,000" and by substituting in lieu thereof the figure:

"3,200,000"

On motion of Senator Dial, said amendment was laid on the table.

And said Horn substitute, as amended by the Dial substitute, as amended, was adopted.

Yeas 23 Nays 5

Yeas:

Senators:

Bailey, Bolling, Campbell, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -23

Nays:

Senators:

Amari, Bedsole, Corbett, Dixon, and Underwood - 5

And said Bill, HB 172, as thus amended, was read a third time at length and passed.

Yeas 23 Nays 7

Yeas:

Senators:

Bailey, Campbell, deGraffenried, Denton, Dial, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, Smith (B), Smith (J), Waggoner, and Windom -23

Nays:

Senators:

Amari, Bedsole, Corbett, Dixon, Ellis, Hill, and Underwood - 7

**FOSHEE AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 35, line 32 and page 36, line 4 by striking the figure “443,845” and inserting in lieu thereof the figure:

“193,845”

Further amend on page 36, line 6 by striking the figures “573,884” and “618,319” and inserting in lieu thereof the figures:

“323,884” and “368,319” respectively

Further amend on page 21, line 22 by striking the figure “29,775,772” and inserting in lieu thereof the figure:

“30,025,772”

Further amend on page 22, line 10 by striking the figure “587,047” and inserting in lieu thereof the figure:

“837,047”

Further amend on page 24, line 7 by striking the figures “733,978” and “63,411,043” and inserting in lieu thereof the figures:

“983,978” and “63,661,043”

Which was adopted.

Senator Bailey offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**BAILEY AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 10, line 3 by deleting the figure “18,035,335” and inserting in lieu thereof the figure:

“18,335,335”

"In addition to the above appropriation to the Department of Human Resources, there is hereby appropriated the sum of \$1,399,349 to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor. Such conditional shall be the First Priority and shall be released before any other conditionals from the State General Fund can be released."

Which was adopted.

Senator Sanders offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**SANDERS AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 12 after line 30 by adding the following language:

"Of the above appropriation, \$25,000 shall be allocated for a Small Farms Program".

Which was adopted.

Senator Sanders then offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**SANDERS AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 32 after line 11, by inserting the following:

"In addition to the above appropriation to the Alabama Department for Economic and Community Affairs, there is also hereby appropriated the sum of \$300,000 to the Dallas, Lowndes and Wilcox County Commissions for joint economic development purposes, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Which was adopted.

Senator Foshee offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

REGULAR SESSION
13th Day

1043

Mitchell, Owens, Smith (B), Waggoner, and Windom

-14

Nays:

Senators:

Bedsole, Campbell, Dixon, Escott-Russell, Ghee, Langford, Sanders, and Underwood

- 8

Senator Little offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**LITTLE AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS
AMENDED BY DIAL SUBSTITUTE, AS AMENDED,
FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 7 after line 33 by inserting the following language:

“\$3,000,000 of the above appropriation to the Unified Judicial System is conditioned upon the court cost collections to the State General Fund equaling or exceeding \$40,500,000. The above conditional appropriation may be released on a quarterly basis if the State Finance Director certifies that the collections from court costs to the State General Fund are being deposited at the pace necessary to reach \$40,500,000 by the end of the fiscal year.”

On motion of Senator Hale, said amendment was laid on the table.

Yeas 13 Nays 12

Yeas:

Senators:

Campbell, deGraffenried, Denton, Escott-Russell, Figures, Floyd, Hale, Horn, Mitchell, Mitchem, Owens, Smith (J), and Windom

-13

Nays:

Senators:

Amari, Bailey, Bedsole, Dial, Dixon, Hill, Lipscomb, Little, Sanders, Smith (B), Underwood, and Waggoner

-12

Senator Little then offered the following amendment No. 3 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**LITTLE AMENDMENT NO. 3 TO HORN SUBSTITUTE, AS
AMENDED BY DIAL SUBSTITUTE, AS AMENDED,
FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 49 after line 23 by inserting the following:

13th Day

“The above appropriation for Community Subsidy shall include at least \$103,425 for those nonsecure programs funded in FY 1993-94. Any funds appropriated for Probation Officers Subsidy that is not required for that purpose shall be expended for Community Subsidy Programs.”

Which was adopted.

Senator Dixon offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**DIXON AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 13, lines 22, 24 and 26 by deleting the figure “100,000” and inserting in lieu thereof the figure:

“79,000”

Which was adopted.

Senator Escott-Russell offered the following substitute for the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**ESCOTT-RUSSELL SUBSTITUTE FOR HORN SUBSTITUTE, AS
AMENDED BY DIAL SUBSTITUTE, AS AMENDED,
FOR HB 172**

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1995.

On motion of Senator Dial, said substitute was laid on the table.

Yeas 14 Nays 8

Yeas:

Senators:

Bailey, Barron, Bolling, deGraffenried, Denton, Dial, Hale, Horn, Little,

**MITCHELL AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS
AMENDED BY DIAL SUBSTITUTE, AS AMENDED,
FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 12, line 30 by deleting the figure "1,563,384" and inserting in lieu thereof the figure:

"1,713,384"

Further amend on page 12, line 33 and on page 13, line 7 by deleting the figure "8,491,595" and inserting in lieu thereof the figure:

"8,641,595"

Further amend on page 13, line 7 by deleting the figure "20,618,163" and inserting in lieu thereof the figure:

"20,768,163"

On motion of Senator Dial, said amendment was laid on the table.

Senator Parsons offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**PARSONS AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 100 after line 14 by adding a new section 12 and renumbering accordingly:

"Section 12. Any conference committee appointed to resolve differences between the House of Representatives and the State Senate on this bill shall fully comply with the Alabama Sunshine Law in regards to open meetings."

Which was adopted.

Senator Denton offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**DENTON AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 84, after line 22, by inserting the following:

Yeas:

Senators:

deGraffenried, Denton, Dial, Foshee, Horn, Mitchell, Owens, Sanders,
Underwood, Waggoner, and Windom -11

Nays:

Senators:

Bailey, Bedsole, Bolling, Dixon, Escott-Russell, Floyd, Langford, Lindsey,
Lipscomb, Little, and Parsons -11

And said Little amendment was then adopted.

Yeas 15 Nays 12

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, Dixon, Escott-Russell, Hill, Langford,
Lipscomb, Little, Mitchell, Parsons, Sanders, Smith (B), and Waggoner -15

Nays:

Senators:

Barron, deGraffenried, Denton, Dial, Ellis, Floyd, Foshee, Horn, Lindsey, Owens,
Underwood, and Windom -12

Senator Mitchell offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**MITCHELL AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 13 after line 20 by inserting the following:

“In addition to the above appropriation to the Agricultural Development Services Program of the Department of Agriculture and Industries, there is hereby appropriated \$150,000 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor”.

Which was adopted.

Senator Mitchell then offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

Senator Mitchem then offered the following amendment No. 2 to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**MITCHEM AMENDMENT NO. 2 TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 61, lines 13, 15, and 16 by deleting the figure “1,250,000” and inserting in lieu thereof the figure:

“1,000,000”

Further amend on page 21, line 22 by deleting the figure “29,775,772” and inserting in lieu thereof the figure:

“30,025,772”

Further amend on page 22, line 10 by deleting the figure “587,047” and inserting in lieu thereof the figure :

“837,047”

Further amend on page 24 by deleting line 7 in its entirety and inserting in lieu thereof:

“and Natural Resources 983,978 62,677,065 63,661,043”.

On motion of Senator Underwood, said amendment was laid on the table.

Senator Little offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**LITTLE AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 41, lines 15, 17 and 19 by striking the figure “569,100” and inserting in lieu thereof the figure:

“517,100”

Senator Dial moved that said amendment be laid on the table, which motion was lost.

to be conditioned on the availability of funds in the State General Fund, the recommendation of Director of Finance and the approval of the Governor.”

Which was adopted.

Senator Mitchem offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**MITCHEM AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 page 61, lines 13, 15, and 16 by deleting the figure “1,250,000” and inserting in lieu thereof the figure:

“750,000”

Further amend on page 21, line 22 by deleting the figure “29,775,772” and inserting in lieu thereof the figure:

“30,275,772”

Further amend on page 22, line 10 by deleting the figure “587,047” and inserting in lieu thereof the figure:

“1,087,047”

Further amend on page 24 by deleting line 7 in its entirety and inserting in lieu thereof:

“and Natural Resources 1,233,978 62,677,065 63,911,043”.

On motion of Senator Waggoner, said amendment was laid on the table.

Yeas 18 Nays 7

Yeas:

Senators:

Bedsole, Campbell, deGraffenried, Denton, Dial, Dixon, Escott-Russell, Figures, Floyd, Foshee, Horn, Langford, Lindsey, Owens, Parsons, Underwood, Waggoner, and Windom -18

Nays:

Senators:

Bailey, Bolling, Ghee, Hill, Little, Mitchell, and Mitchem

- 7

Yeas 16 Nays 8

Yeas:

Senators:

Amari, Bailey, Barron, deGraffenried, Denton, Dial, Figures, Foshee, Ghee, Hale, Horn, Mitchell, Mitchem, Owens, Parsons, and Windom -16

Nays:

Senators:

Bedsole, Corbett, Dixon, Escott-Russell, Hill, Lipscomb, Little, and Underwood - 8

Senator Hill offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**HILL AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172, on page 78 by deleting line 9 in its entirety and inserting in lieu thereof:

“Mountain Lakes Tourist Association and \$24,200 shall be transferred to The Childersburg Heritage Foundation”.

Which was adopted.

Senator Langford offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**LANGFORD AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 32, after line 11 by inserting the following:

“In addition to the above appropriation to the Alabama Department for Economic and Community Affairs, there is also hereby appropriated the sum of \$80,000 for Minority Business Development in Montgomery County, to be conditioned on the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.”

Further amend on page 47, after line 20, by inserting the following:

“In addition to the above appropriation to the Historical Commission, there is also hereby appropriated the sum of \$57,380, for Fort Toulouse,

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
Transfer	64,390,792		
(2) Special Mental Health Trust Fund		110,591,356	
For Operations and Maintenance of the De- partment of Mental Health and Mental Re- tardation and the Mental Health and Mental Re- tardation Community Programs, including the purchase of drugs for medically indigent men- tal patients not hospital- ized at time of receiving drugs at the Alabama state hospitals.			
(3) Transfer from ABC Profits		1,000,000	
(4) Cigarette Tax		3,017,140	
(5) Departmental Receipts		2,036,995	
(6) Indigent Offender Al- cohol/Drug Treatment Fund		190,000	
(7) Federal and Local Funds		157,288,221	
Total Department of Men- tal Health and Mental Re- tardation	64,390,792	274,123,712	338,514,504

In addition to the above ap-
propriation to the Depart-
ment of Mental Health and
Mental Retardation, there is
hereby conditionally appro-
priated an amount not to ex-
ceed \$1,093,203 for capital
outlay from the Special Men-
tal Health Trust Fund to be
conditioned upon the avail-
ability of funds in the Spe-
cial Mental Health Trust
Fund, the recommendation
of the Director of Finance
and the approval of the Gov-
ernor."

On motion of Senator Hale, said amendment was laid on the table.

Fund Sources Included
In Appropriation Total

	General Fund	Earmarked Funds	Appropriation Total
95. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:			
(a) Institutional Treatment and Care-Mental Illness Program			115,753,118
(b) Institutional Treatment and Care-Mental Retardation Program			74,273,617
(c) Administrative Services Program			13,787,525
(d) Community Services Program			134,700,244
(1) Mental Illness Ser- vices			64,656,117
(2) Substance Abuse Ser- vices			21,552,039
Of the above appropriations for Mental Illness Services and Substance Abuse Ser- vices, \$50,998,010 and \$17,943,352 respectively shall be allocated by the DMH/MR to Regional Com- munity Mental Health Boards established under Section 22-51-2, Code of Alabama 1975. First prior- ity for such allocated funds shall be the development of a comprehensive array of services for seriously men- tally ill, seriously emotion- ally disturbed, and addicted populations. Such services shall be provided by or sanc- tioned by said community boards according to resource allocation procedures as set forth in the Alabama Admin- istrative Code (Section 580- 1-1-.19).			
(3) Mental Retardation Ser- vices	48,492,088		
SOURCE OF FUNDS:			
(1) State General Fund-			

JOURNAL OF THE SENATE, 1994
13th Day

Fund Sources Included
In Appropriation Total

General Fund	Earmarked Funds	Appropriation Total
-----------------	--------------------	------------------------

in increasing the total AFDC benefit payments by up to 16%, to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor."

Further amend the substitute, as amended, for HB 172 by deleting pages 55, 56 and 57 in their entirety and inserting in lieu thereof the following new pages:

"In addition to the above appropriation, there is also appropriated any local funds or transfers from other state departments as may become available to facilitate the receipt of matching federal funds in order to maximize federal participation in existing programs under Medicaid. In addition to the above appropriation to the Alabama Medicaid Agency, there is hereby conditionally appropriated \$7,790,667 from the State General Fund to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.

94. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		4,124
SOURCE OF FUNDS:		
(1) State General Fund	4,124	
Total Alabama Men's Hall of Fame	4,124	4,124

REGULAR SESSION
13th Day

1033

Fund Sources Included In Appropriation Total			
	General Fund	Earmarked Funds	Appropriation Total
the county deparments based on the counties' populations according to the 1990 census are as follows: county popu- lations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.			
SOURCE OF FUNDS:			
(1) State General Fund- Transfer	41,060,726		
(2) Federal and Local Funds		307,760,487	
(3) ABC Profits		700,000	
(4) Whiskey Tax		21,650,000	
(5) Beer Tax		9,100,000	
(6) Pension Residue		18,000,000	
(7) Sales Tax		1,322,000	
(8) Franchise Tax		17,200,000	
(9) Child Support Collec- tions		6,614,676	
(10) Sales Tax for Food Stamps, Estimated In accordance with Sec- tion 40-23-35, Code of Alabama, 1975.		24,334,150	
(11) Cigarette Tax		3,900,000	
(12) Contractor's Gross Re- ceipts Tax		3,000,000	
(13) Foster Care Trust Fund		400,000	
(14) Child Support Interest and Fees		356,000	
(15) Miscellaneous Receipts		1,113,000	
Total Department of Hu- man Resources	41,060,726	415,450,313	456,511,039

Of the above appropria-
tion to the Department of
Human Resources, at
least \$1,470,000 shall be
utilized to comply with
the R. C. v. Hornsby con-
sent decree. In addition
to the above appropria-
tion to the Department of
Human Resources, there
is also hereby appropri-
ated an amount up to
\$7,312,000 to be utilized

JOURNAL OF THE SENATE, 1994
13th Day

	Fund Sources Included In Appropriation Total		
	General Fund	Earmarked Funds	Appropriation Total
(4) Court Referral Officer Fund		1,597,410	
In accordance with Sec- tions 12-23-1 through 12-23-19, Code of Ala- bama 1975.			
(5) Juvenile Justice Fund- Balance Brought For- ward		35,983	
(6) Court Automation Fund In accordance with Sec- tion 12-19-180, Code of Alabama 1975.		600,000	
Total Unified Judicial Sys- tem	80,004,792	2,233,393	82,238,185
The above appropriation to the Unified Judicial System includes funding for Act 93- 882 and new supernumerary positions. The above appro- priation shall not be used to fund any district or circuit judgeships other than those in existence or authorized by law as of January 1, 1994."			

Further amend the substitute, as amended, for HB 172 by deleting page 48 and lines 1 through 23 on page 49 and inserting in lieu thereof the following:

"80. HUMAN RESOURCES, DE-
PARTMENT OF:

- (a) Human Services Pro-
gram 456,511,039
- It is the intent of the Legis-
lature that allotments be
made to the County Depart-
ments of Human Resources
in the amount of \$165,500 to
fund, upon approval of the
county department director,
supplemental client services
not otherwise provided for
through existing programs of
the Department of Human
Resources. Allotments to

REGULAR SESSION
13th Day

1031

		Fund Sources Included <u>In Apropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
Total Judicial Retirement Fund		1,625,000		1,625,000
6. SUPREME COURT:				
(a)	Court Operations Program			4,606,547
SOURCE OF FUNDS:				
	(1) State General Fund	4,606,547		
	Total Supreme Court	4,606,547		4,606,547
7. SUPREME COURT LIBRARY				
(a)	Court Operations - Library Service Program			937,683
SOURCE OF FUNDS:				
	(1) State General Fund	892,683		
	(2) Departmental Receipts		45,000	
	Total Supreme Court Li- brary	892,683	45,000	937,683
8. UNIFIED JUDICIAL SYSTEM: (ADMINISTRATIVE OFFICE OF COURTS)				
(a)	Court Operations Pro- gram			73,131,510
(b)	Administrative Services Program			3,394,267
(c)	DUI Referral Program			62,922
(d)	Fringe Benefit Program, Estimated			545,000
(e)	Court Equipment and Court Security Program			957,055
(f)	Judicial Building Operations Program			4,147,431
SOURCE OF FUNDS:				
	(1) State General Fund	79,442,687		
	(2) State General Fund- Social Security-County Judicial, Estimated	545,000		
	(3) State General Fund Transfer-Juvenile Jus- tice Coordinating Council	17,105		
	In accordance with Sec- tion 12-15-131, Code of Alabama 1975.			

JOURNAL OF THE SENATE, 1994
13th Day

		Fund Sources Included <u>In Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
includes funds for Sections 12-3-1 and 12-3-10, Code of Alabama 1975.				
2.	COURT OF CRIMINAL AP- PEALS:			
(a)	Court Operations Pro- gram			2,237,544
	SOURCE OF FUNDS:			
	(1) State General Fund	2,237,544		
	Total Court of Criminal Appeals	2,237,544		2,237,544
3.	JUDICIAL BUILDING AU- THORITY, ALABAMA:			
(a)	Administrative Support Services Program			4,147,431
	SOURCE OF FUNDS:			
	(1) Judicial Building Au- thority Fund, Esti- mated		4,147,431	
	In accordance with Sec- tions 41-10-260 through 41-10-284, Code of Ala- bama 1975.			
	Total Alabama Judicial Building Authority		4,147,431	4,147,431
4.	JUDICIAL INQUIRY COM- MISSION:			
(a)	Administrative Services Program			113,255
	SOURCE OF FUND	113,255		
	Total Judicial Inquiry Com- mission	113,255		113,255
5.	JUDICIAL RETIREMENT FUND:			
(a)	Retirement Systems Program			1,625,000
	SOURCE OF FUNDS:			
	(1) State General Fund	1,625,000		

Yeas:

Senators:

Amari, Bailey, Corbett, Escott-Russell, Ghee, Hale, Langford, Mitchell,
Mitchem, and Underwood -10

Nays:

Senators:

Bedsole, Bolling, deGraffenried, Dial, Dixon, Ellis, Figures, Foshee, Hill,
Horn, Little, Waggoner, and Windom -13

Senator Dixon offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**DIXON AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the substitute, as amended, for HB 172 by deleting pages 5,6, and 7 in their entirety and inserting in lieu thereof the following new pages:

		Fund Sources Included In <u>Appropriation Total</u>		
		General Fund	Earmarked Funds	Appropriation Total
“provisions set forth in Section 29-1-22, Code of Alabama 1975.				
(b)	Capital Outlay Program			1,500,000
SOURCE OF FUNDS:				
	(1) State General Fund	14,464,279		
	Total Legislature	14,464,279		14,464,279

2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a)	Court Operations Program		1,952,716
SOURCE OF FUNDS:			
	(1) State General Fund	1,952,716	
	Total Court of Civil Appeals	1,952,716	1,952,716
The above appropriation to the Court of Civil Appeals			

Senator Bailey offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**BAILEY AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended for HB 172, on page 39, line 13 by deleting the figure "24,669,966" and inserting in lieu thereof the figure:

"24,369,966"

Further amend on page 39, lines 16 through 20 by deleting the figure "12,607,588" and inserting in lieu thereof the figure:

"12,307,588"

Further amend on page 39, line 20 by deleting the figure "25,189,466" and inserting in lieu thereof the figure:

"24,889,466"

Further amend on page 10, line 3 by deleting the figure "18,035,335" and inserting in lieu thereof the figure:

"18,335,335"

Further amend on page 10, line 6 by deleting the figure "1,612,156" and inserting in lieu thereof the figure:

"1,912,156"

Further amend on page 10, line 10 by deleting the figures "4,215,968 and "30,747,643" and inserting in lieu thereof the figures:

"4,515,968" and "31,047,643" respectively.

Which was lost.

amended, for HB 172 on page 32 after line 11 by inserting the following language:

“In addition to the above appropriation, there is hereby appropriated \$750,000 to the Economic Development Revolving Loan Program, pursuant to Act 90-650 and \$750,000 to the Small Business Incubator Program, pursuant to Act 93-543 to be conditioned upon the availability of funds in the State General Fund, the recommendation of the Director of Finance and the approval of the Governor.”

Which was adopted.

Senator Campbell offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**CAMPBELL AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 78, line 22 after the word “society” by inserting the following:

“and \$50,000 to the Jesse Owens Memorial Park and Museum”

Which was adopted.

Senator Ghee offered the following amendment to the Horn substitute, as amended by the Dial substitute, as amended, for the Bill, HB 172, to-wit:

**GHEE AMENDMENT TO HORN SUBSTITUTE, AS AMENDED
BY DIAL SUBSTITUTE, AS AMENDED, FOR HB 172**

Amend the Horn substitute, as amended by the Dial substitute, as amended, for HB 172 on page 40, line 3 by deleting the figure “577,130” and inserting in lieu thereof the figure:

“427,130”

Further amend on page 40, line 2 by deleting the figure “2,077,665” and inserting in lieu thereof the figure:

“2,227,665”

Which was adopted.

of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

Senator Foshee, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Lindsey:

S. 514. To establish the "Prevention of Youth Access to Tobacco Act of 1994"; to regulate the sale, distribution, and use of tobacco and tobacco products; to provide penalties for violations; to repeal Section 13A-12-3, Code of Alabama 1975; and for other purposes.

Senator Dixon, Chairperson of the Standing Committee on Public Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Ellis, Owens, Hale, and Escott-Russell:

S. 516. To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

By Senator Ellis:

S. 518. Amending Section 41-16-50, Code of Alabama 1975, to provide an exemption for counties and municipalities who procure goods and services from vendors, merchants, or contractors located in the county or municipality.

RESOLUTION

Senator Sanders offered the following Senate Joint Resolution, to-wit:

SJR 50. DESIGNATING THE THIRD SUNDAY IN FEBRUARY AS JIMMY LEE JACKSON DAY IN PERRY COUNTY.

WHEREAS, it is with a sense of deep sadness that the Legislature of Alabama notes the 29th anniversary, February 27, 1994 of the death of Jimmy Lee Jackson; and

WHEREAS, Jimmy Lee Jackson who was born on December 16, 1938 to Mr. Johnny and Mrs. Viola Jackson of Marion, Alabama, was a member of the St. James Baptist Church, and a graduate of Lincoln Normal High School; and

WHEREAS, on February 17, 1965, Jimmy was brutally shot by Alabama State Troopers at Lee's Cafe; this heinous event occurred as he attempted to seek medical assistance for his grandfather, Cagie Lee, who had earlier been severely beaten by the troopers; and

WHEREAS, tragically Jimmy Lee Jackson died on February 27, 1965 at the Good Samaritan Hospital, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in Perry County, Alabama, the third Sunday of each February shall henceforth be known as Jimmy Lee Jackson Day.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the parents of Jimmy Lee Jackson.

On motion of Senator Sanders, the Rules were suspended and the Resolution was adopted by the Senate.

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 173, adopted.

Yeas 18 Nays 0
Abstaining 1

Yeas:

Senators:

Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Horn, Lindsey, Little, Owens, Sanders, Smith (J), Underwood, and Windom -18

Nays:

- 0

Abstaining: Senator Parsons

- 1

**SPECIAL ORDER
BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 173. To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

And said Bill, HB 173, was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -28

Nays:

- 0

THE BILL:

H. 253. To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

was taken up.

On motion of Senator Corbett, the Rules were suspended and further consideration of the Bill, HB 253, was postponed subject to the call of the Chair.

Senator Corbett requested and received permission to suspend the Rules in order to bring up the Bill:

H. 177. To make an appropriation from the State General Fund to the Child Advocacy Centers for the fiscal year ending September 30, 1995, and to require operations plans and audited financial statements prior to release of any funds.

On motion of Senator Corbett, the Rules were suspended and fur-

ther consideration of the Bill, HB 177, was postponed temporarily.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 253, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -28

Nays:

- 0

FURTHER CONSIDERATION OF HB 253

The Senate proceeded to further consideration of the Bill, HB 253.

And said Bill, HB 253, was read a third time at length and passed.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Sanders, Smith (J), Underwood, and Windom -24

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., HB 176, adopted.

Yeas 24 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -24

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 176. To make an appropriation from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom
-27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dial, B.I.R., SB 424, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom
-27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 424. To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25 Nays 0

Yeas:

Senators:

Bailey, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Hill, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -25

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Waggoner, B.I.R., HB 178, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 178. To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

Senator Little offered the following amendment to the Bill, HB 178, to-wit:

AMENDMENT TO HB 178

Amend HB 178 on page 1 by deleting lines 24 and 25 and inserting the following:

“\$349,674”;

Further amend the bill on page 1, line 23 by striking the word “Three”

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

And said Bill, HB 178, as thus amended, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, and finds same correctly enrolled, to-wit:

SJR 44. RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

Also:

SJR 45. COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

DON HALE,
Chairperson.

SIGNING OF RESOLUTIONS

The President Pro Tempore and Presiding Officer of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BUDGET ISOLATION RESOLUTION

Senator Horn, B.I.R., HB 179, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 179. To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 219, adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 219. To make an appropriation from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

Senator Dixon offered the following amendment to the Bill, HB 219, to-wit:

AMENDMENT TO HB 219

Amend HB 219 on page 1 by deleting lines 23 and 24 in their entirety and by inserting in lieu thereof the following:

“Foundation, Inc. from the State General Fund the sum of \$300,000.”

Which was adopted.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

And said Bill, HB 219, as thus amended, was read a third time at length and passed.

Yeas 27 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Hill, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -27

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 181, adopted.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -28

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 181. To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 28 Nays 0

Yeas:

Senators:

Bailey, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Horn, Langford, Lindsey, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Smith (J), Underwood, Waggoner, and Windom -28

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 208, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 208. To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, HB 208, to-wit:

AMENDMENT TO HB 208

Amend HB 208 on Page 1, as follows:

By deleting Lines 24 and 25 in their entirety and inserting in lieu thereof the following: "hundred thirty-eight thousand three hundred fifty-three dollars (\$138,353)."

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

And said Bill, HB 208, as thus amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., SB 401, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

S. 401. To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1995.

was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn,

**REGULAR SESSION
13th Day**

1063

Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons,
Sanders, Underwood, Waggoner, and Windom -30

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 184, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton,
Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn,
Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons,
Sanders, Underwood, Waggoner, and Windom -30

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 184. To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

was taken up.

Senator Little offered the following amendment to the Bill, HB 184, to-wit:

AMENDMENT TO HB 184

Amend HB 184 on page 1, lines 23 and 24 in its entirety and by inserting in lieu thereof the following:

“291,593 which shall be distributed in the following manner:”

Further amend the bill on page 1, line 22 by striking the word “two”.

Further amend the bill on page 1, line 26 by striking the figure “238,639” and inserting in lieu thereof the figure:

“259,051”.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

And said Bill, HB 184, as thus amended, was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 185, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 185. To make an appropriation from the State General Fund

**REGULAR SESSION
13th Day**

1065

to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 254, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 254. To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton,

Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 186, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays: - 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 186. To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays: - 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 187, adopted.

Yeas 30 Nays 0

**REGULAR SESSION
13th Day**

1067

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED

THE BILL:

H. 187. To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 174, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 174. To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Dixon, B.I.R., HB 175, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 175. To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September

**REGULAR SESSION
13th Day**

1069

30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BUDGET ISOLATION RESOLUTION

Senator Windom requested and received permission to suspend the Rules in order to bring up the Bill, SB 419.

Senator Windom, B.I.R., SB 419, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

FURTHER CONSIDERATION OF SB 419

The Senate proceeded to further consideration of the Bill:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator and certain other specified disclosures; to provide that the provisions of this act confirm, clarify, and are declaratory of existing law and apply to

consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; and to provide for an effective date.

having been postponed on the Ninth Legislative Day.

Senator Windom offered the following substitute for the Bill, SB 419, to-wit:

SUBSTITUTE FOR SB 419

A BILL TO BE ENTITLED AN ACT

Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator, and certain other specified disclosures; to provide for disclosures, if any, by a creditor of real estate mortgage broker fees and points as has or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g); to provide that except for the provisions of this act related to Section 5-19-4(g), the provisions of this act confirm, clarify, and are declaratory of existing law; to provide that the provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; to provide that Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not repealed by this act; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature hereby finds and declares:

(1) The Alabama Consumer Credit Act, Title 5, Chapter 19, Code of Alabama 1975 (commonly referred to as the "Mini-Code"), was enacted by the Legislature by Acts 1971, No. 2052, page 3290. All, or a portion, of the provisions of the Mini-Code apply to substantially all consumer credit transactions in Alabama involving many millions of dollars.

(2) It is important that consumer debtors in Alabama receive adequate disclosure of terms of consumer credit transactions. Also, public

interest requires certainty in laws relating to consumer credit transactions, particularly those relating to disclosures and other requirements for enforceability of consumer credit transactions.

(3) The Mini-Code defines the term "finance charge" and establishes limitations on finance charges for certain consumer credit transactions. The Mini-Code contains no provision requiring any disclosure relating to finance charges.

(4) Pursuant to the provisions of Section 5-19-21 of the Mini-Code, the Administrator of the Mini-Code (the Superintendent of Banks of the State Banking Department) has the authority to establish rules and regulations pertaining to the Mini-Code.

(5) Federal laws, regulations, and interpretations, including the federal Truth-in-Lending Act and other federal consumer credit disclosure laws, establish a comprehensive system for disclosure of credit terms to consumers. The Administrator of the Mini-Code has determined that the disclosures presently required by federal law are adequate. To avoid confusion to consumers and conflicts with federal law and to provide certainty with respect to required disclosures, it is essential that any disclosures required by the Mini-Code in addition to those required by federal law be carefully considered, specifically stated, and prospective in application.

(6) Because of pending litigation, see, *Smith v. First Family Financial Services, Inc.*, 626 So.2d 1266 (Ala. 1993), regarding disclosures, if any, of real estate mortgage broker fees and points which may be required pursuant to Section 5-19-4(g) in connection with a consumer loan or a consumer credit sale subject to Section 5-19-4(g), uncertainty exists as to whether the Mini-Code requires a separate disclosure of finance charges such as "yield spread premiums" or similar charges in connection with consumer loans, consumer credit sales or other consumer credit transactions which are not subject to Section 5-19-4(g). This uncertainty has caused Alabama lenders to be unable to determine what disclosures are required by the Mini-Code in a consumer credit transaction and has adversely affected the ability of holders of consumer credit transactions originated in Alabama to securitize or transfer many millions of dollars of existing consumer credit transactions. This uncertainty could result in a significant reduction in the amount of consumer credit available to Alabama residents and thereby have a detrimental effect upon Alabama residents and businesses. An objective of this act is to remove this uncertainty so as to permit these consumer credit transactions to be securitized or transferred.

(7) It is the intent of the Legislature and the policy and purpose of this act to implement the above objectives by, except as relates to Section 5-19-4(g), confirming and clarifying the disclosure requirements, and the ab-

sence thereof, under the Mini-Code, and, further to make this act applicable to consumer credit transactions entered into on, before, and after the effective date of this act.

Section 2. Section 5-19-6, Code of Alabama 1975, is amended to read as follows:

"§5-19-6.

"(a) Any creditor, when extending credit with respect to a consumer credit sale, loan or lease other than open-end credit, shall at that time furnish to the debtor duplicate copies of all instruments executed by the debtor in connection with the transaction. The credit sale contract, loan note or lease shall contain the following statement in eight point type immediately above the space for the borrower's signature.

'CAUTION - IT IS IMPORTANT THAT YOU THOROUGHLY READ THE CONTRACT BEFORE YOU SIGN IT.'

"(b) No disclosures are required by this chapter to be made by a creditor with respect to any transaction other than (i) disclosures required by regulations made by the Administrator pursuant to Section 5-19-21 and except as required in subsection (a) above and in Sections 5-19-12(a) and 5-19-20(b) and (ii) disclosures, if any, by a creditor of real estate mortgage broker fees and points as has been or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g).

"(c) Without limiting the generality of subsection (b) and except for the provisions of subsection (b) (ii) related to section 5-19-4(g), there is no obligation or duty under this chapter to disclose to a debtor any agreement to assign or otherwise transfer a consumer credit transaction at a discount or that the assignee of, or person who funded, the consumer credit transaction agreed or may agree to pay the creditor or other person who originated the consumer credit transaction all or a portion of the prepaid finance charges and other fees and/or a portion of the finance charge to be paid by the debtor over the term of the transaction and/or other compensation irrespective of how the compensation is determined or described.

"(d) Except for the provisions of subsection (b) which relate to Section 5-19-4(g), the provisions of this act confirm, clarify and are declaratory of existing law. The provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of the act adding this subsection."

Section 3. The provisions of this act are severable. It hereby is

declared to be the intent of the Legislature that if any part of this act (including without limitation any section, subsection or subpart) or the application thereof to any person or circumstance is declared invalid or unconstitutional, that declaration shall not affect the part which remains or the application of this act to any other person or circumstance.

Section 4. Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not amended or repealed by this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

And said Bill, SB 419, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House upon engrossment.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

Senator Windom moved that the Senate reconsider the vote by which the Bill, SB 419, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BUDGET ISOLATION RESOLUTION

Senator Bolling requested and received permission to suspend the Rules in order to bring up the Bill, HB 112.

Senator Bolling, B.I.R., HB 112, adopted.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

BILLS ON THIRD READING RESUMED**THE BILL:**

H. 112. Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

was read a third time at length and passed.

Yeas 30 Nays 0

Yeas:

Senators:

Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, Underwood, Waggoner, and Windom -30

Nays:

- 0

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following Bill:

By Reps. Carothers, Beasley, Clark (J), McDaniel, Rockhold, Curry, Parker (T), Powell, Butler, Lindsey, and Gullatt:

H. 341. Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of two years after a cause of action accrues or arises in certain cases; to

provide that all causes of action and all rights of action which accrue more than thirteen years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

And sends same herewith to the Senate for its consideration.

GREG PAPPAS,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

HB 341 - to the Committee on Business and Labor Relations

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, and finds same correctly engrossed, to-wit:

S. 419. Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator, and certain other specified disclosures; to provide for disclosures, if any, by a creditor of real estate mortgage broker fees and points as has or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g); to provide that except for the provisions of this act related to Section 5-19-4(g), the provisions of this act confirm, clarify, and are declaratory of existing law; to provide that the provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; to provide that Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not repealed by this

act; and to provide for an effective date.

DON HALE,
Chairperson.

REPORT OF SECRETARY

Mr. President Pro Tempore:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor with the date and hour of delivery, to-wit:

SJR 44 SJR 45

Delivered to the Governor, February 17, 1994, at 2:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:30 P. M. on motion of Senator Dial, the Senate adjourned until Tuesday, February 22, 1994, at 10 o'clock A.M.